

## Council Communication

<b>Department:</b> Community Development <b>Applicant:</b> John and Margaret LaBounty 109 Pearl Street, Council Bluffs, IA 51503 Case #ENC-08-001	Resolution of Intent No. _____  Resolution to Grant No. <u>2008-41</u>	Council Action: <u>02/11/2008</u>
<b>Subject/Title</b> Request to encroach into the public right-of-way located adjacent to 109 Pearl Street to allow reconstruction of the primary building entrance and to construct an ADA compliant access ramp.		
<b>Background</b> <p>The applicant purchased the property at 109 Pearl Street for residential and commercial use. In order to accommodate commercial use on the first floor the structure must be handicap accessible. Because the structure extends from lot line to lot line there is no additional lot area to construct an ADA compliant ramp. The building levels do not correspond to the sidewalk grade making the first floor level higher than the sidewalk elevation.</p> <p>A policy is currently under review to address intrusions into the public way, which result in improved access to existing buildings when public pedestrian circulation can be preserved.</p> <p>The owners intend to renovate the structure to resemble its original appearance as the Nonpareil building. A copy of an early photograph is attached. The applicant proposes to replace the original entry stairs thereby addressing the grade difference on the Pearl Street side and to install an ADA compliant ramp on the South Main Street side.</p>		
<b>Discussion</b> <ol style="list-style-type: none"><li>1. The proposed entry on Pearl Street appears to meet the guidelines of the pending policy and appears to be sympathetic to the original building design and the materials currently in use.</li><li>2. The proposed ADA ramp does not appear to relate to the building materials of the current building. The ramp is modular in construction and does not include masonry products. The ramp is bolted together and fixed to the existing sidewalk, presenting a temporary appearance. A mesh material will be attached underneath the ramp to act as screening. The ramp does not aesthetically relate to the building.</li><li>3. The applicant has not demonstrated other alternatives to relieve the need to encroach into the South Main Street right-of-way. Other alternatives may be to install a lift to reach the first floor level, which may require the use of less City right-of-way. It may be possible to internalize the access ramp into the building removing the need for a public encroachment.</li><li>4. If an easement is granted, it will be for a permanent encroachment. Any improvement allowed should be made of materials complementary to the structure and be of lasting quality.</li><li>5. The applicant stated that the ramp will be powder coated in a black or very dark grey color. The ramp deck will not be painted. The applicant has indicated that the tubular railing is a good match for railings used during the original time period of construction.</li><li>6. The applicant states that the ramp system they propose will be flexible for sidewalk heaving related to frost. They also indicate that a local fabricator quoted approximately \$22,000 to build a metal ramp.</li><li>7. Water Works has indicated that water service to the building is on Main Street. The stop box is located 8 feet east of the east wall of the building. Any adjustments or the stop box or service line must be done by the property owner.</li></ol>		

6 H

### **Recommendation**

The Community Development Department recommends:

- 1) Granting a permanent easement to allow the reconstruction of the entry on the Pearl Street side as depicted in Attachment 'A', subject to submission of a plat of survey exhibit; and
- 2) Denial of the requested easement on the South Main Street side to allow a ramp constructed of materials as shown in Attachment 'B'.
- 3) Payment in an amount as determined by the City Council for the granted easement.

### **Public Hearing**

John LaBounty, 109 Pearl Street appeared before the Planning Commission in favor of the request. No one appeared in opposition.

### **Planning Commission to City Council**

The Planning Commission recommends:

1. Granting a permanent easement on the Pearl Street side as depicted in Attachment 'A', subject to submission of a plat of survey exhibit.
2. Granting a permanent easement on the South Main Street side with authority to City staff to approve the final design and material, which shall compliment the historic nature and architecture of the building as shown in Attachment 'B'.
3. Payment in an amount as determined by the City Council for the easements.

VOTE: Aye 8    Nay 0    Abstain 0    Absent 2    Vacant 1    Motion Carried.

### **Attachments**

Attachment A: Proposed encroachment design as submitted by the applicant;  
Attachment B: Ramp type and screening mesh examples as provided by the applicant;  
Attachment C: Historic photograph

Prepared by: Rose Brown, Urban Planner, Community Development Department



Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503 - Phone: 328-4616

Prepared by: Community Development Dept., Council Bluffs, IA 51503 - Phone: 328-4629

---

RESOLUTION NO. 08-41

A RESOLUTION TO GRANT AN EASEMENT AND CONVEY CERTAIN PROPERTY RIGHTS IN THE SOUTH MAIN STREET RIGHT-OF-WAY ADJACENT TO LOT 3, BLOCK 9, BAYLISS 1<sup>ST</sup> ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.

WHEREAS, following public hearing and having given careful study to the proposal, the City Council determines that city-owned property described 'Exhibit A' located in the City of Council Bluffs, Pottawattamie County, Iowa, is of limited benefit to the public and an easement can be granted; and

WHEREAS, pursuant to Iowa Code Section 354.23, the City Council declares its intent to dispose of this easement on City right-of-way by granting and conveying an interest in it to the abutting property owner(s); and

WHEREAS, City of Council Bluffs, a municipal corporation of the State of Iowa, and its agents, contractors and assigns, a permanent easement for ROW encroachment improvement for the purposes of constructing, reconstructing, repairing, and maintaining a ROW encroachment improvement together with necessary appurtenances thereto, in, to, on, over, and across the following described real estate see exhibit "A" easement plat.

WHEREAS, this easement conveyance is subject to the reservation of the following terms and conditions:

Erection of structures prohibited: grantee or successors or assigns shall not erect any structure over or within the easement area without obtaining prior written consent of the city engineer,

Change of grade prohibited: grantee or successors or assigns shall not change the grade, elevation, or contour of any part of the easement area without obtaining the prior written consent of the city engineer,

Right of access: grantee shall have the right of access to the easement area and have all rights of ingress and egress reasonably necessary for the use and

enjoyment of the easement area described.

Removal and Replacement: The cost of removal and replacement of any unauthorized improvement or structure within the easement area, necessitated by the exercise of the rights under this easement, shall be borne by the grantee or their successors or assigns.

Duty to repair: grantee or successors or assigns agrees that any Curb, walk or other city improvement outside of the easement area which may be damaged as a result of any entry made through the exercise of the grantee's right of access shall be repaired at no expense to the grantor.

Duty to Maintain: grantee or successors or assigns agrees that any row encroachment improvement must be maintained in good working order for its intended use. Maintain shall include ensuring improvement is not in violation of the municipal code.

Indemnity: Grantee hereby agrees to indemnify and hold Grantor harmless from and against any and all loss, damage, or liability they may sustain by virtue of the activities of the grantee conducted pursuant to this easement on the property owned by grantor.

WHEREAS, Grantor Reservation: Grantor reserves the right to use the Easement Area for the maintenance of any and all utilities equipment presently in place, and for such reconstruction, re-emplacement and repair thereof which said Grantor and its licensees and/or franchise grantees may in the future deem necessary and proper and for the removal of any improvements emplaced thereon by the grantees, or their successors or assigns, necessitated by the reconstruction, re-emplacement, or repair of such utilities, such removal to be at the sole expense of grantees or their successors or assigns and without cost to the grantor, its licensees and/or franchise grantees, and without obligation to repair or replace such improvements, and subject to any and all other easements and right-of-way of record and those not of record

WHEREAS, Easement Sunset: this easement shall be deemed to run with the land and shall be binding on grantor and grantor's successors or assigns with granting annually, automatically renewed unless either party desires a change in the easement. Annual renewal anniversary shall be considered this instrument county filing date. Release of Easement shall be required by grantor if city finds either 1) failure of the grantee to abide by the ROW encroachment terms and conditions, 2) ROW encroachment improvement is no longer used for its intended use. Release of Easement shall be required by grantor if City Council finds either sunset condition is met.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA:

That the easement, as described on 'Exhibit A' and identified as Tract 2 subject to the conditions set out above, is on city right-of-way and is hereby granted and conveyed as follows:

John M. and Margaret V. LaBounty, and all successors in interest: Easement area as shown on 'Exhibit A' and identified as Tract 2, for a the sum of \$ \_\_\_\_\_.

BE IT FURTHER RESOLVED

That the Mayor and the City Clerk be and are hereby authorized, empowered and directed to record a resolution along with a plat of survey granting an easement and conveying the City's interest in the above-described property for the consideration yet to be determined; and

BE IT FURTHER RESOLVED

That the City Clerk is directed to deliver this resolution and attached documents to the County Recorder according to Iowa Code 354.23.

ADOPTED

AND

APPROVED: February 11, 2008

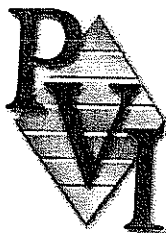
\_\_\_\_\_  
Thomas P. Hanafan, Mayor

ATTEST:

\_\_\_\_\_  
Judith H. Ridgeley, City Clerk

STATE OF IOWA    )  
COUNTY OF        ) ss  
POTTAWATTAMIE)

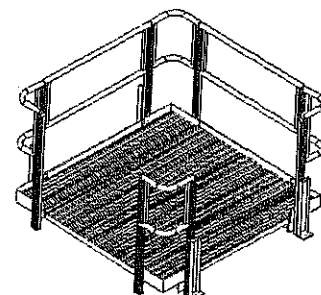
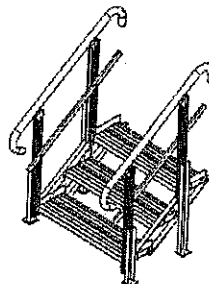
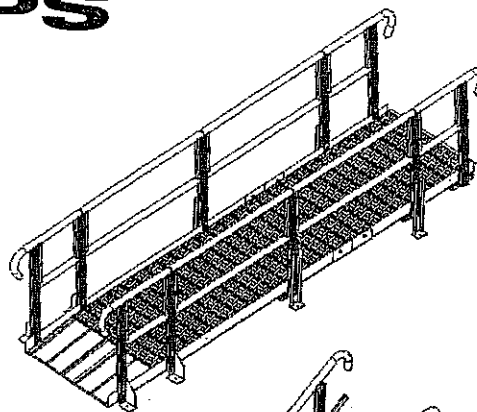
On this \_\_\_\_ day of \_\_\_\_\_, before me the undersigned, a Notary Public in and for said County and said State, personally appeared Thomas P. Hanafan and Judith H. Ridgeley, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of the said City of Council Bluffs, Iowa, a Municipal Corporation, that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Thomas P. Hanafan and said Judith H. Ridgeley,



prairie view industries, inc.  
**RAMPS**

access ramps

## MODULAR SYSTEM



### FEATURES

- for residential and commercial use.
- ADA compliant.
- little to no maintenance.
- all aluminum construction.
- ADA handrail extensions, guardrails and gates available.
- optional handrail designs available upon request.

### DETAILS AND SPECIFICATIONS

- 45 and 90 degree turns and switchbacks available.
- little or no site preparation required.
- assembles quickly and easily with common hand tools.
- easily moved or reconfigured.
- load capacity is 100 lbs. per square foot.

MODULAR SYSTEM	
Width	36"
Length	As required - 4' minimum
Load Capacity	100 lbs. per square foot
Slope	Adjustable - as required
Floor	Slip resistant grooved aluminum
Edge Protection	2" curb
Handrails	Double 1 1/2" bar - standard height 36" - 38"
Multiple configurations possible - can meet many needs.	

Item #:

Model #:

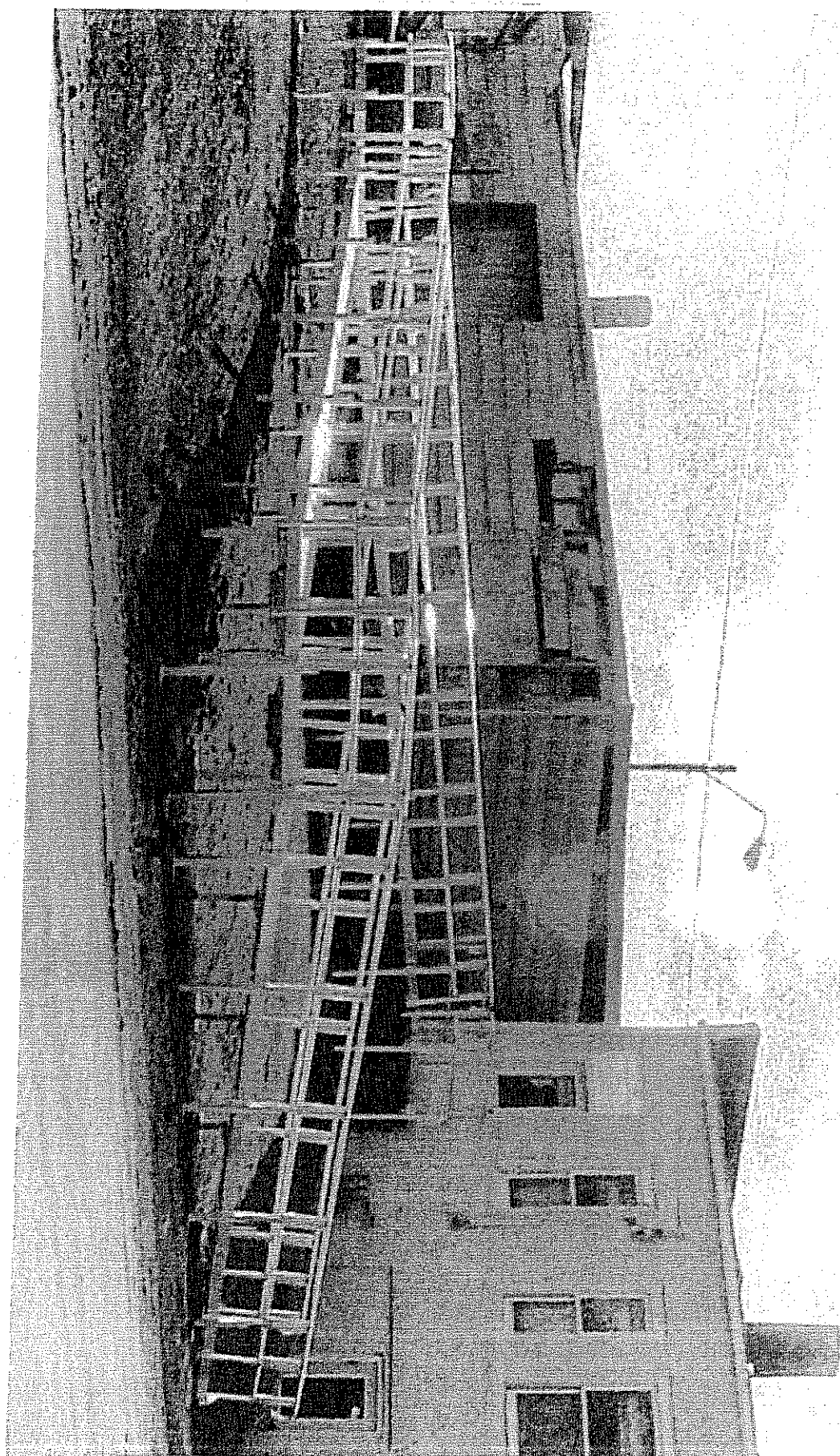
Project #:

Quantity #:

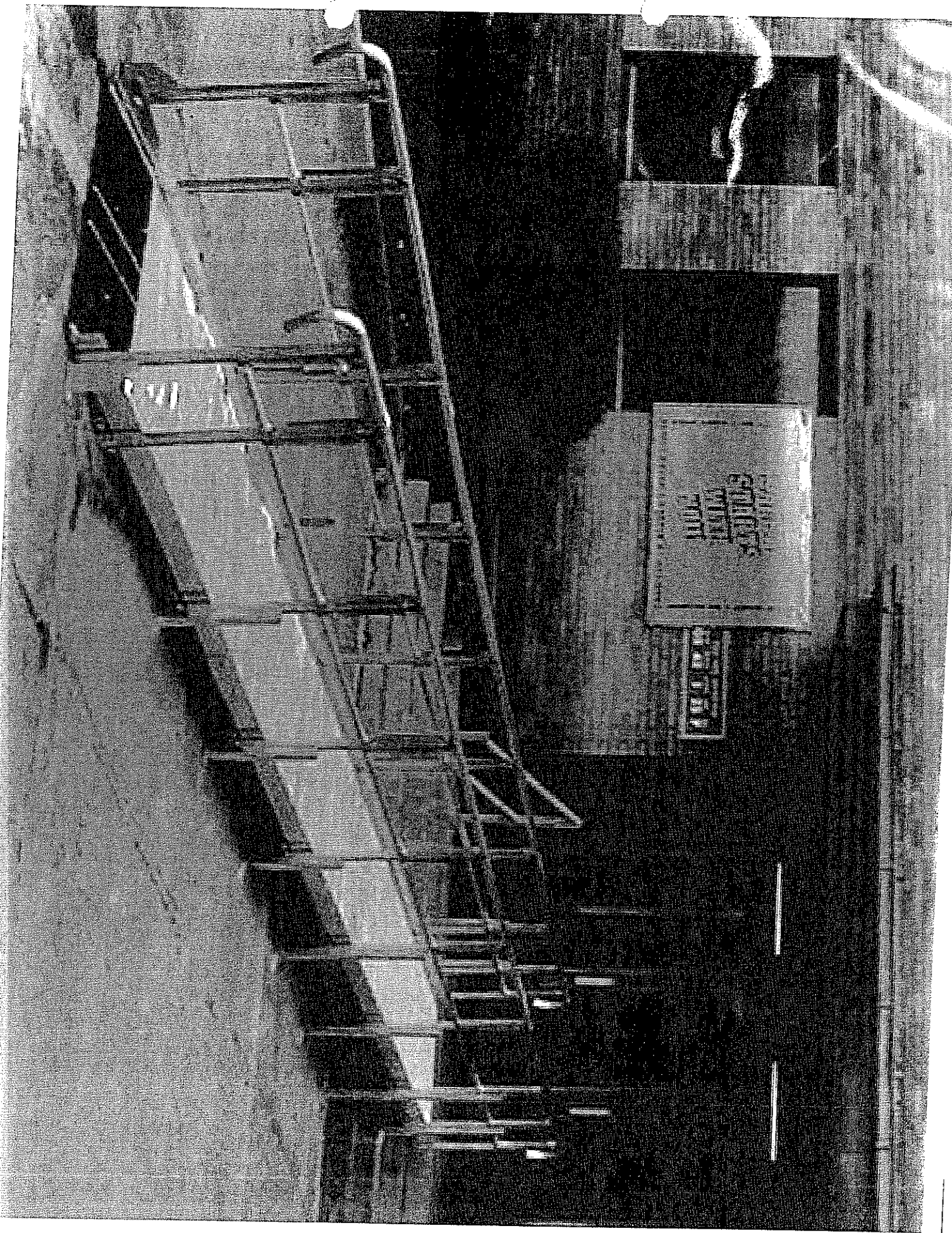
p.o. box 575 | fairbury, ne 68352-0575  
phone 800-554-7267 | fax 402-729-4058  
email info@pviramps.com | www.pviramps.com

Prairie View Industries, Inc. reserves the right to modify specifications or discontinue models without prior notification.  
©PRAIRIE VIEW INDUSTRIES, INC., 2005  
pvifs\_mr\_62305

ATTACHMENT B









**McNICHOLS**

since 1952

1-877-884-4653

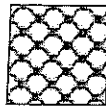
Search

[About Us](#)[Careers](#)[Locations](#)[Designers](#)[Free Catalogs](#)[Tools](#)[Quick Stock](#)[Quote Cart](#)[My Account](#)[Home](#) - [Products](#) - [Expanded Metal](#)**Products**

- ☒ Perforated
- ☒ Grating
- ☒ Flooring
- ☒ Wire Mesh
  - ☒ Square
  - ☒ Rectangular
  - ☒ Sieves
- ☒ Decorative Mesh
- ☒ Expanded
  - ☒ Standard
  - ☒ Flattened
- ☒ Decorative Metal
  - ☒ Lancet TM
  - ☒ Lancet TM Ribbon Mesh
  - ☒ Amplimesh®
- ☒ Fiberglass Structural
- ☒ Stair Treads
- ☒ Stair Tread Covers
- ☒ Ladder Rungs
- ☒ Handrail Components
- ☒ Trench Drain
- ☒ Accessories

**Fabrication Services**

- ☒ Cutting & Cutouts
- ☒ Welding
- ☒ Infill Panels
- ☒ Print Takeoffs
- ☒ Metal Finishes
- ☒ Stair Treads

**Photo Gallery****Expanded - Lancet™ Decorative Metal**

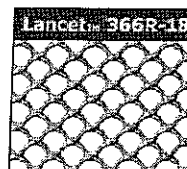
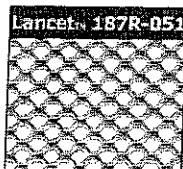
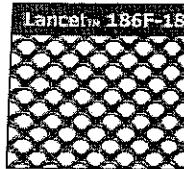
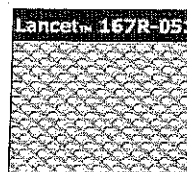
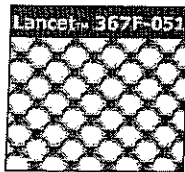
Lancet™ Decorative Metal provides aesthetic appeal and is ideal for decorative applications.

**Stock List: Select a Material**

Aluminum

[View Stock List](#)

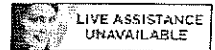
Can't find what you need? Use the quote form to request a quote.


**Product Patterns - click for enlarged view****Product Features**

- Lightweight
- Economical
- Low maintenance
- Acoustic properties
- Diffusion properties
- Many styles
- Variety of materials
- Aesthetic appeal

**Product Applications**

- Architectural panels
- Fixtures
- Shelving
- Screens
- Displays
- Grilles & vents
- Architectural accents
- Facades

**Resources**

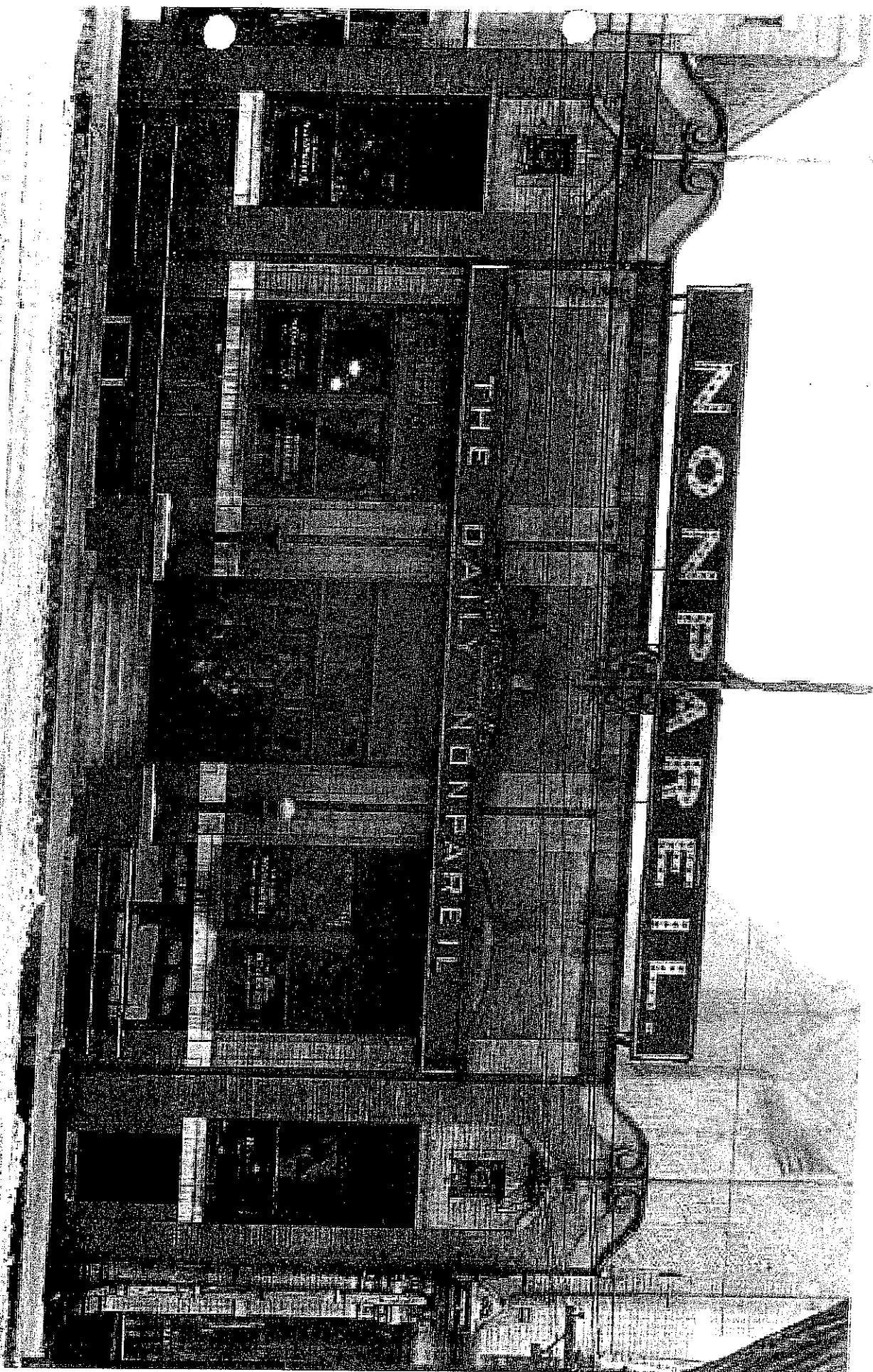
- **Order Now!** Stock List
- Quote Form
- Material Descriptions
-  [Lancet™ Flyer](#)

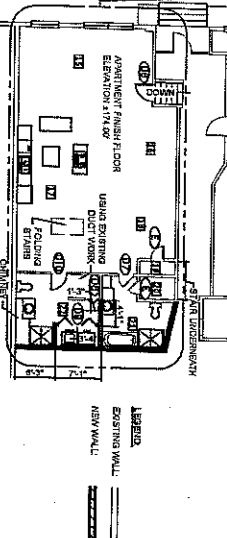
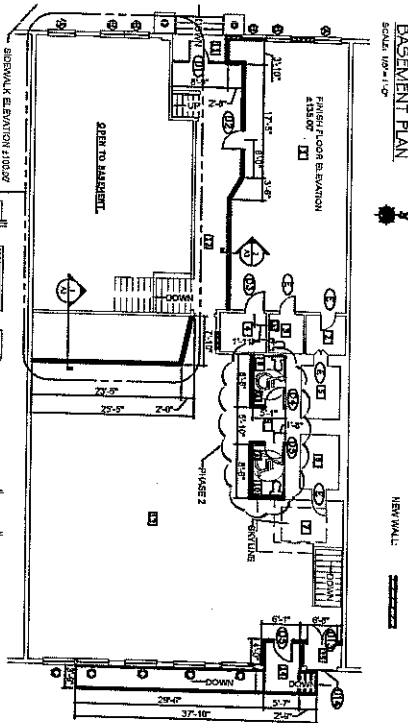
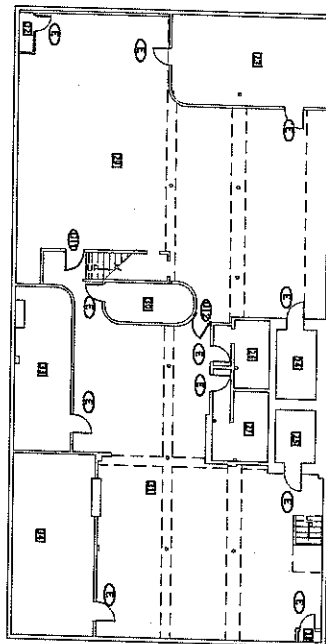
**Product Details**

- **New!** Product Photos
- All Product Details
- Material Selection
- Construction
- Length and Width
- Gauge
- Product Patterns
- Product Identification and Characteristics
- Quantity

[Site Tour](#)[Contact Us](#)[McNICHOLS in a Minute](#)

McNICHOLS Co. All Rights Reserved





NO.	NAME	QUANTITY	UNIT	PRICE	TOTAL
1	CEILING				
2	FLOOR				
3	WALL				
4	DOOR				
5	WINDOW				
6	PAINT				
7	GLASS				
8	IRONING				
9	STOVE				
10	SINK				
11	REF.				
12	DISH.				
13	STOVE				
14	SINK				
15	REF.				
16	DISH.				
17	STOVE				
18	SINK				
19	REF.				
20	DISH.				
21	STOVE				
22	SINK				
23	REF.				
24	DISH.				
25	STOVE				
26	SINK				
27	REF.				
28	DISH.				
29	STOVE				
30	SINK				
31	REF.				
32	DISH.				
33	STOVE				
34	SINK				
35	REF.				
36	DISH.				
37	STOVE				
38	SINK				
39	REF.				
40	DISH.				
41	STOVE				
42	SINK				
43	REF.				
44	DISH.				
45	STOVE				
46	SINK				
47	REF.				
48	DISH.				
49	STOVE				
50	SINK				
51	REF.				
52	DISH.				
53	STOVE				
54	SINK				
55	REF.				
56	DISH.				
57	STOVE				
58	SINK				
59	REF.				
60	DISH.				
61	STOVE				
62	SINK				
63	REF.				
64	DISH.				
65	STOVE				
66	SINK				
67	REF.				
68	DISH.				
69	STOVE				
70	SINK				
71	REF.				
72	DISH.				
73	STOVE				
74	SINK				
75	REF.				
76	DISH.				
77	STOVE				
78	SINK				
79	REF.				
80	DISH.				
81	STOVE				
82	SINK				
83	REF.				
84	DISH.				
85	STOVE				
86	SINK				
87	REF.				
88	DISH.				
89	STOVE				
90	SINK				
91	REF.				
92	DISH.				
93	STOVE				
94	SINK				
95	REF.				
96	DISH.				
97	STOVE				
98	SINK				
99	REF.				
100	DISH.				

NO.	NAME	QUANTITY	UNIT	PRICE	TOTAL
1	CEILING				
2	FLOOR				
3	WALL				
4	DOOR				
5	WINDOW				
6	PAINT				
7	GLASS				
8	IRONING				
9	STOVE				
10	SINK				
11	REF.				
12	DISH.				
13	STOVE				
14	SINK				
15	REF.				
16	DISH.				
17	STOVE				
18	SINK				
19	REF.				
20	DISH.				
21	STOVE				
22	SINK				
23	REF.				
24	DISH.				
25	STOVE				
26	SINK				
27	REF.				
28	DISH.				
29	STOVE				
30	SINK				
31	REF.				
32	DISH.				
33	STOVE				
34	SINK				
35	REF.				
36	DISH.				
37	STOVE				
38	SINK				
39	REF.				
40	DISH.				
41	STOVE				
42	SINK				
43	REF.				
44	DISH.				
45	STOVE				
46	SINK				
47	REF.				
48	DISH.				
49	STOVE				
50	SINK				
51	REF.				
52	DISH.				
53	STOVE				
54	SINK				
55	REF.				
56	DISH.				
57	STOVE				
58	SINK				
59	REF.				
60	DISH.				
61	STOVE				
62	SINK				
63	REF.				
64	DISH.				
65	STOVE				
66	SINK				
67	REF.				
68	DISH.				
69	STOVE				
70	SINK				
71	REF.				
72	DISH.				
73	STOVE				
74	SINK				
75	REF.				
76	DISH.				
77	STOVE				
78	SINK				
79	REF.				
80	DISH.				
81	STOVE				
82	SINK				
83	REF.				
84	DISH.				
85	STOVE				
86	SINK				
87	REF.				
88	DISH.				
89	STOVE				
90	SINK				
91	REF.				
92	DISH.				
93	STOVE				
94	SINK				
95	REF.				
96	DISH.				
97	STOVE				
98	SINK				
99	REF.				
100	DISH.				

NO.	NAME	QUANTITY	UNIT	PRICE	TOTAL
1	CEILING				
2	FLOOR				
3	WALL				
4	DOOR				
5	WINDOW				
6	PAINT				
7	GLASS				
8	IRONING				
9	STOVE				
10	SINK				
11	REF.				
12	DISH.				
13	STOVE				
14	SINK				
15	REF.				
16	DISH.				
17	STOVE				
18	SINK				
19	REF.				
20	DISH.				
21	STOVE				
22	SINK				
23	REF.				
24	DISH.				
25	STOVE				
26	SINK				
27	REF.				
28	DISH.				
29	STOVE				
30	SINK				
31	REF.				
32	DISH.				
33	STOVE				
34	SINK				
35	REF.				
36	DISH.				
37	STOVE				
38	SINK				
39	REF.				
40	DISH.				
41	STOVE				
42	SINK				
43	REF.				
44	DISH.				
45	STOVE				
46	SINK				
47	REF.				
48	DISH.				
49	STOVE				
50	SINK				
51	REF.				
52	DISH.				
53	STOVE				
54	SINK				
55	REF.				
56	DISH.				
57	STOVE				
58	SINK				
59	REF.				
60	DISH.				
61	STOVE				
62	SINK				
63	REF.				
64	DISH.				
65	STOVE				
66	SINK				
67	REF.				
68	DISH.				
69	STOVE				
70	SINK				
71	REF.				
72	DISH.				
73	STOVE				
74	SINK				
75	REF.				
76	DISH.				
77	STOVE				
78	SINK				
79	REF.				
80	DISH.				
81	STOVE				
82	SINK				
83	REF.				
84	DISH.				
85	STOVE				
86	SINK				
87	REF.				
88	DISH.				
89	STOVE				
90	SINK				
91	REF.				
92	DISH.				
93	STOVE				
94	SINK				
95	REF.				
96	DISH.				
97	STOVE				
98	SINK				
99	REF.				
100	DISH.				

**NOTES:**

1. BEFORE BEGINNING OF REMEDIATION, A THOROUGH ASBESTOS INSPECTION IS REQUIRED TO BE CONDUCTED BY A LICENSED ASBESTOS INSPECTOR. THE RESULTS OF THE INSPECTION SHALL BE SUBMITTED TO THE OWNER IN WRITING. IF ASBESTOS IS DETECTED, THE OWNER SHALL BE RESPONSIBLE FOR REMEDIATION. THE CONTRACTOR SHALL NOT BE RESPONSIBLE FOR REMEDIATION.

2. THOROUGH ASBESTOS INSPECTION SHALL BE REQUIRED BEFORE ANY ASBESTOS REMEDIATION WORK BEGINS. THE RESULTS OF THE INSPECTION SHALL BE SUBMITTED TO THE OWNER IN WRITING. IF ASBESTOS IS DETECTED, THE OWNER SHALL BE RESPONSIBLE FOR REMEDIATION. THE CONTRACTOR SHALL NOT BE RESPONSIBLE FOR REMEDIATION.

3. ASBESTOS REMEDIATION WORK SHALL BE CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE IOWA DEPARTMENT OF HEALTH. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS AND FOR FOLLOWING THE REQUIREMENTS OF THE DEPARTMENT OF HEALTH.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING THE SURROUNDING AREAS FROM ASBESTOS CONTAMINATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMEDIATING ANY ASBESTOS CONTAMINATION THAT OCCURS DURING THE WORK.

5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DISPOSING OF ASBESTOS WASTE IN ACCORDANCE WITH THE REQUIREMENTS OF THE IOWA DEPARTMENT OF HEALTH. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS AND FOR FOLLOWING THE REQUIREMENTS OF THE DEPARTMENT OF HEALTH.

6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE WORK AREA CLEAN AND FREE OF ASBESTOS CONTAMINATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMEDIATING ANY ASBESTOS CONTAMINATION THAT OCCURS DURING THE WORK.

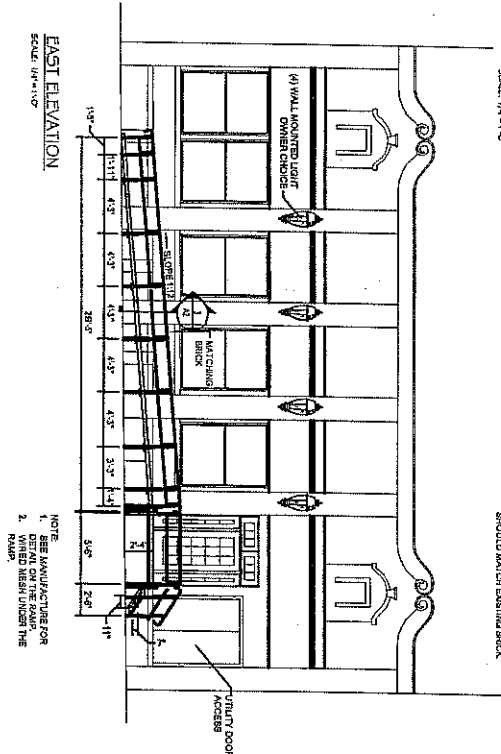
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING THE SURROUNDING AREAS FROM ASBESTOS CONTAMINATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMEDIATING ANY ASBESTOS CONTAMINATION THAT OCCURS DURING THE WORK.

8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DISPOSING OF ASBESTOS WASTE IN ACCORDANCE WITH THE REQUIREMENTS OF THE IOWA DEPARTMENT OF HEALTH. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY PERMITS AND FOR FOLLOWING THE REQUIREMENTS OF THE DEPARTMENT OF HEALTH.

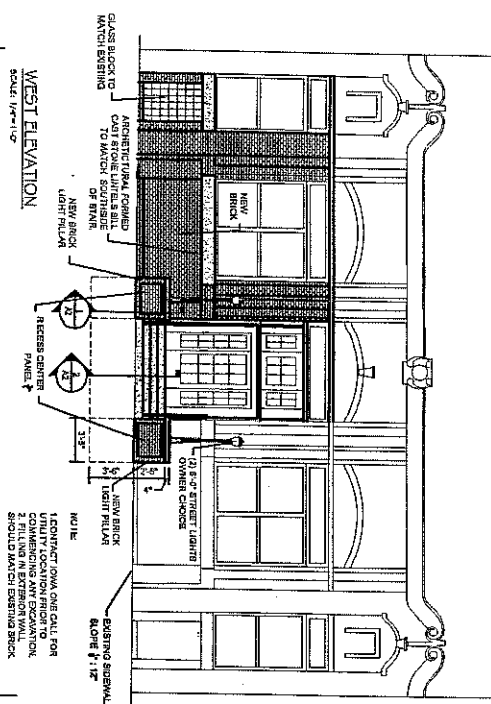
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING THE WORK AREA CLEAN AND FREE OF ASBESTOS CONTAMINATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REMEDIATING ANY ASBESTOS CONTAMINATION THAT OCCURS DURING THE WORK.

1

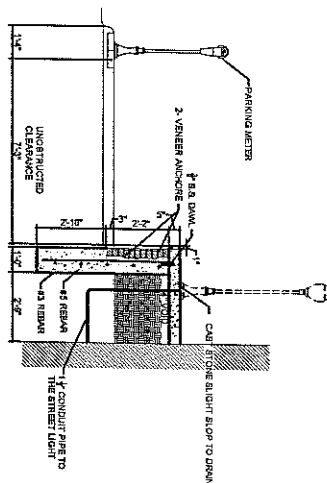
**EAST ELEVATION**  
SCALE 1/4" = 1'-0"



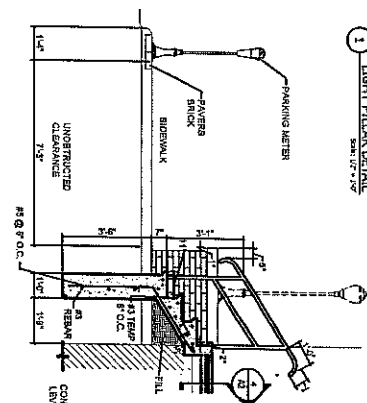
**WEST ELEVATION**  
SCALE 1/4" = 1'-0"



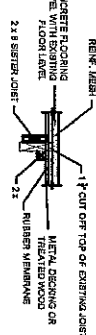
**1 LIGHT PILLAR DETAIL**  
SCALE 1/2" = 1'-0"



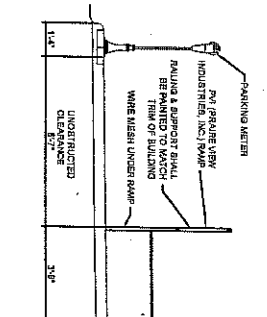
**2 WESTSIDE STAIRS DETAIL**  
SCALE 1/2" = 1'-0"



**4 DETAIL OF LANDING**  
SCALE 1/2" = 1'-0"



**3 RAMP SECTION**  
SCALE 1/2" = 1'-0"



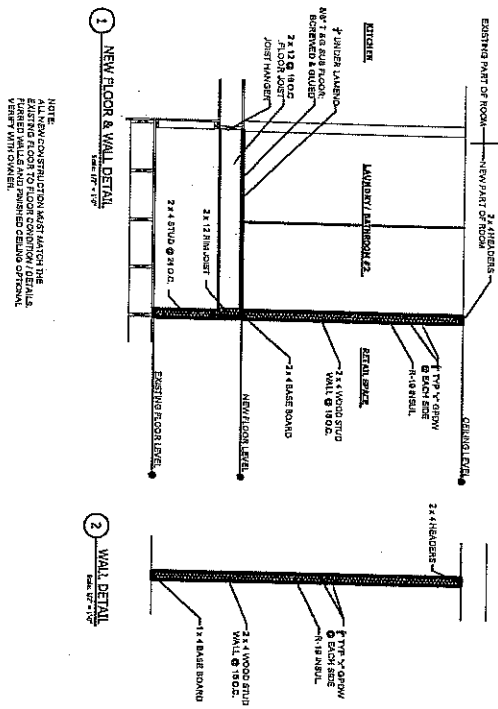
**ROBERT H. BURGIN and ASSOCIATES INC. P.C. - ARCHITECTS**  
525 SOUTH MAIN PHONE (712)-328-2003 FAX (712)-328-8335 COUNCIL-UFFS, IOWA 51503

MR. & MRS. JOHN LABOUNTY (RENOVATION)  
109 SOUTH PEARL STREET (P) 808-753-7491  
COUNCIL-UFFS, IA 51503

COPYRIGHT © 2007  
ROBERT H. BURGIN  
AND  
ASSOCIATES, INC., P.C.  
ALL RIGHTS RESERVED

NO.	REV./DATE	DATE
1	RAMP	12/18/05

PROJECT  
1007  
COUNCIL-UFFS  
1007  
A2



# **ROBERT H. BURGIN and ASSOCIATES INC. P.C. - ARCHITECTS**

525 SOUTH MAIN PHONE (712)-328-2003 FAX (712)-328-5335 COUNCIL-UFFS, IOWA 51503

MR. & MRS. JOHN LABOUNTY (RENOVATION)  
109 SOUTH PEARL STREET (P) 808-753-7491  
COUNCIL-UFFS, IA 51503

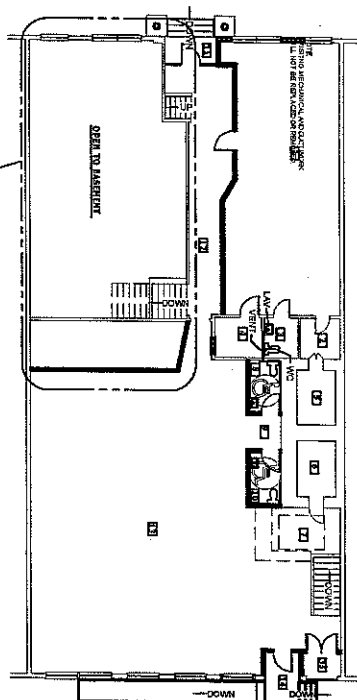
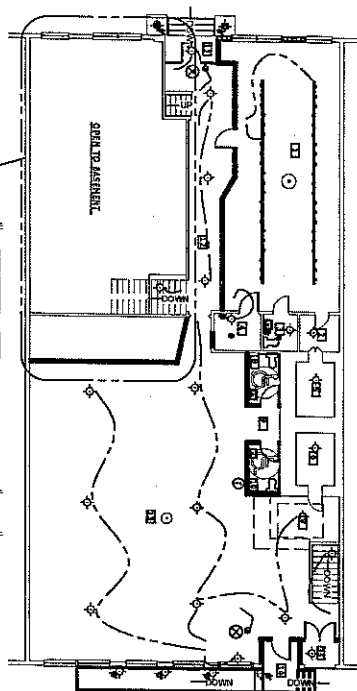
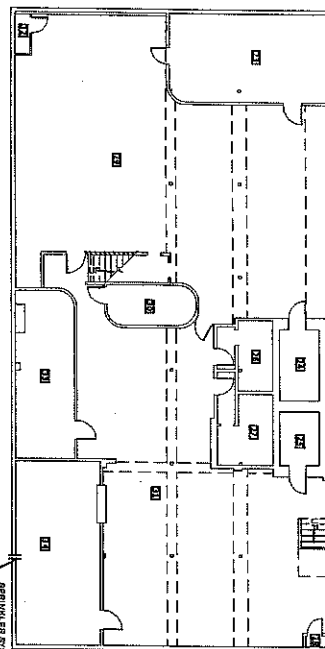
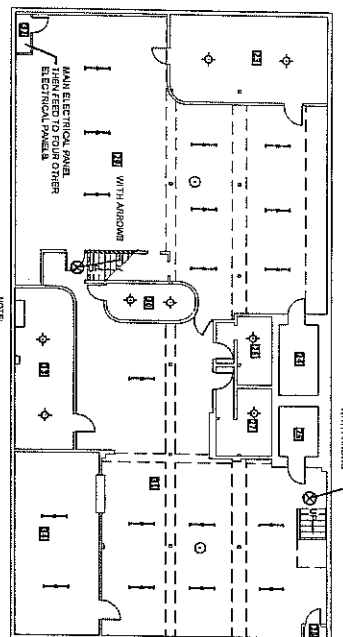
COPYRIGHT © 2003  
ROBERT H. BURGIN  
AND  
ASSOCIATES, INC., P.C.  
ALL RIGHTS RESERVED

Project  
WALL DETAIL

No. 304/2003 2004

Sheet  
A3





ELECTRICAL SCHED	
8.14	PER CONCRETE
9	CONCRETE
9.1	SHIELD RIGID W/SHIELD
9.2	DRY BOND
9.3	LIGHT BARRIER
9.4	W/SHIELD RIGID W/SHIELD
9.5	SHIELD RIGID W/SHIELD
9.6	SHIELD RIGID W/SHIELD
9.7	SHIELD RIGID W/SHIELD
9.8	SHIELD RIGID W/SHIELD
9.9	SHIELD RIGID W/SHIELD
9.10	SHIELD RIGID W/SHIELD
9.11	SHIELD RIGID W/SHIELD
9.12	SHIELD RIGID W/SHIELD
9.13	SHIELD RIGID W/SHIELD
9.14	SHIELD RIGID W/SHIELD
9.15	SHIELD RIGID W/SHIELD
9.16	SHIELD RIGID W/SHIELD
9.17	SHIELD RIGID W/SHIELD
9.18	SHIELD RIGID W/SHIELD
9.19	SHIELD RIGID W/SHIELD
9.20	SHIELD RIGID W/SHIELD
9.21	SHIELD RIGID W/SHIELD
9.22	SHIELD RIGID W/SHIELD
9.23	SHIELD RIGID W/SHIELD
9.24	SHIELD RIGID W/SHIELD
9.25	SHIELD RIGID W/SHIELD
9.26	SHIELD RIGID W/SHIELD
9.27	SHIELD RIGID W/SHIELD
9.28	SHIELD RIGID W/SHIELD
9.29	SHIELD RIGID W/SHIELD
9.30	SHIELD RIGID W/SHIELD
9.31	SHIELD RIGID W/SHIELD
9.32	SHIELD RIGID W/SHIELD
9.33	SHIELD RIGID W/SHIELD
9.34	SHIELD RIGID W/SHIELD
9.35	SHIELD RIGID W/SHIELD
9.36	SHIELD RIGID W/SHIELD
9.37	SHIELD RIGID W/SHIELD
9.38	SHIELD RIGID W/SHIELD
9.39	SHIELD RIGID W/SHIELD
9.40	SHIELD RIGID W/SHIELD
9.41	SHIELD RIGID W/SHIELD
9.42	SHIELD RIGID W/SHIELD
9.43	SHIELD RIGID W/SHIELD
9.44	SHIELD RIGID W/SHIELD
9.45	SHIELD RIGID W/SHIELD
9.46	SHIELD RIGID W/SHIELD
9.47	SHIELD RIGID W/SHIELD
9.48	SHIELD RIGID W/SHIELD
9.49	SHIELD RIGID W/SHIELD
9.50	SHIELD RIGID W/SHIELD
9.51	SHIELD RIGID W/SHIELD
9.52	SHIELD RIGID W/SHIELD
9.53	SHIELD RIGID W/SHIELD
9.54	SHIELD RIGID W/SHIELD
9.55	SHIELD RIGID W/SHIELD
9.56	SHIELD RIGID W/SHIELD
9.57	SHIELD RIGID W/SHIELD
9.58	SHIELD RIGID W/SHIELD
9.59	SHIELD RIGID W/SHIELD
9.60	SHIELD RIGID W/SHIELD
9.61	SHIELD RIGID W/SHIELD
9.62	SHIELD RIGID W/SHIELD
9.63	SHIELD RIGID W/SHIELD
9.64	SHIELD RIGID W/SHIELD
9.65	SHIELD RIGID W/SHIELD
9.66	SHIELD RIGID W/SHIELD
9.67	SHIELD RIGID W/SHIELD
9.68	SHIELD RIGID W/SHIELD
9.69	SHIELD RIGID W/SHIELD
9.70	SHIELD RIGID W/SHIELD
9.71	SHIELD RIGID W/SHIELD
9.72	SHIELD RIGID W/SHIELD
9.73	SHIELD RIGID W/SHIELD
9.74	SHIELD RIGID W/SHIELD
9.75	SHIELD RIGID W/SHIELD
9.76	SHIELD RIGID W/SHIELD
9.77	SHIELD RIGID W/SHIELD
9.78	SHIELD RIGID W/SHIELD
9.79	SHIELD RIGID W/SHIELD
9.80	SHIELD RIGID W/SHIELD
9.81	SHIELD RIGID W/SHIELD
9.82	SHIELD RIGID W/SHIELD
9.83	SHIELD RIGID W/SHIELD
9.84	SHIELD RIGID W/SHIELD
9.85	SHIELD RIGID W/SHIELD
9.86	SHIELD RIGID W/SHIELD
9.87	SHIELD RIGID W/SHIELD
9.88	SHIELD RIGID W/SHIELD
9.89	SHIELD RIGID W/SHIELD
9.90	SHIELD RIGID W/SHIELD
9.91	SHIELD RIGID W/SHIELD
9.92	SHIELD RIGID W/SHIELD
9.93	SHIELD RIGID W/SHIELD
9.94	SHIELD RIGID W/SHIELD
9.95	SHIELD RIGID W/SHIELD
9.96	SHIELD RIGID W/SHIELD
9.97	SHIELD RIGID W/SHIELD
9.98	SHIELD RIGID W/SHIELD
9.99	SHIELD RIGID W/SHIELD
10	SHIELD RIGID W/SHIELD

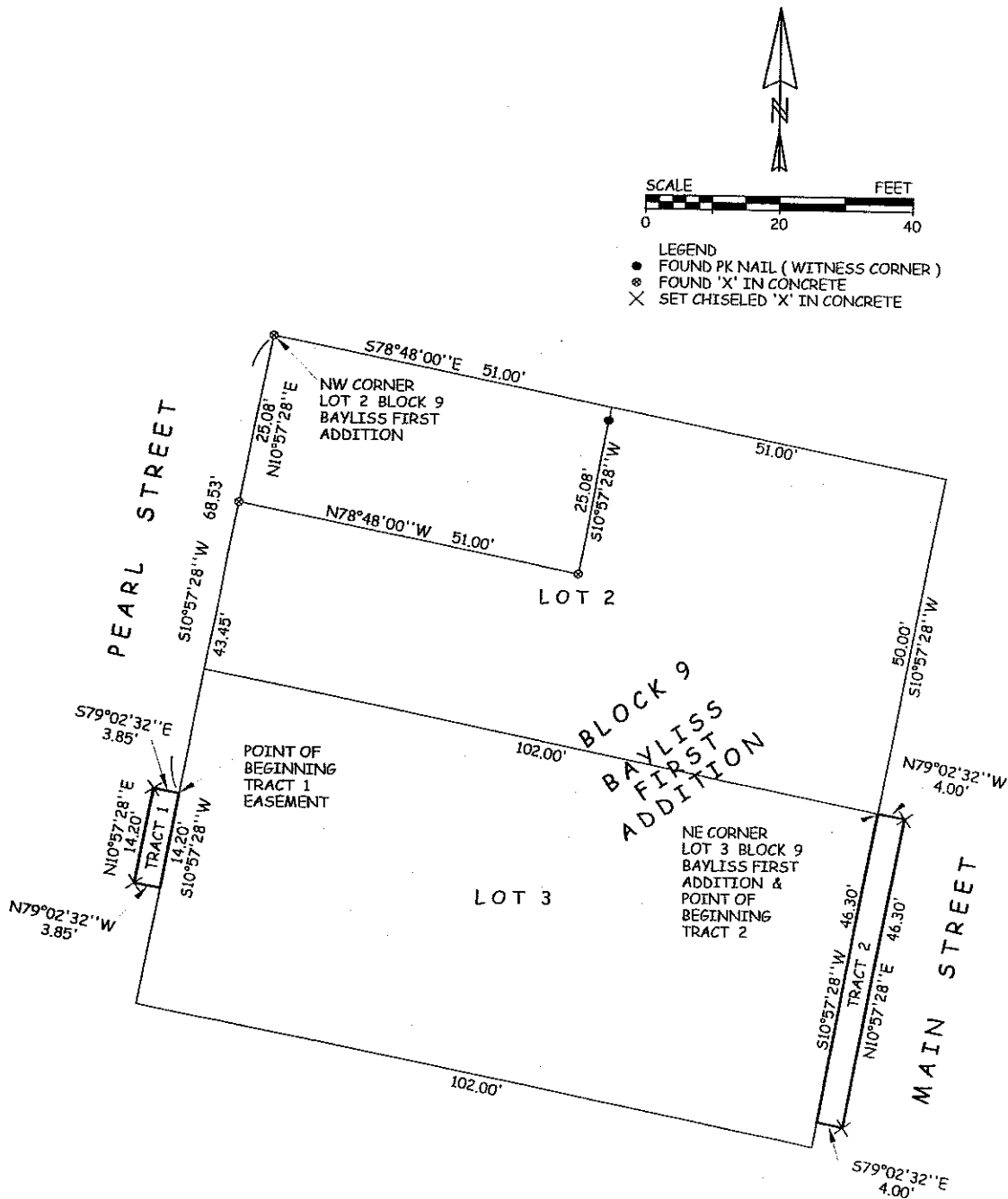
Project Name 525 SOUTH MAIN COUNCIL-UFFS, IA 51503		Phone (712)-328-2003 FAX (712)-328-8335		Project Location COUNCIL-UFFS, IA 51503	
Architect <b>ROBERT H. BURGIN and ASSOCIATES INC. P.C. - ARCHITECTS</b>		Owner MR. & MRS. JOHN LABOUNTY (RENOVATION)		Date 100 SOUTH PEARL STREET (P) 808-753-7491	
Address 525 SOUTH MAIN		City COUNCIL-UFFS, IA 51503		State IA 51503	
Project Description ELECTRICAL PLAN		Project Number 100 SOUTH PEARL STREET (P) 808-753-7491		Project Status COUNCIL-UFFS, IA 51503	

# EXHIBIT "A"

## EASEMENT PLAT

PREPARED BY: LAND SURVEYING SERVICES, INC.  
12 NO. WALNUT STREET GLENWOOD, IOWA 51534

PROJECT NAME: JOHN LABOUNTY  
R.O.W. ENCROACHMENT IMPROVEMENT:  
ACQUIRED FROM: CITY OF COUNCIL BLUFFS, IOWA A MUNICIPAL CORPORATION



LAND SURVEYING SERVICES, INC.  
12 NO. WALNUT STREET  
GLENWOOD, IOWA 51534  
(712)527-3509

SCALE: 1" = 20' DATE: JANUARY, 2008 DRAWN BY: MWB  
DRAWING NO. LABOUNTY.ZAK

EXHIBIT "A"

PROJECT NAME: JOHN LABOUNTY  
R.O.W. ENCROACHMENT IMPROVEMENT

TRACT 1

Permanent Easement Description:

An easement over Pearl Street right-of-way located in part of Bayliss First Addition in the City of Council Bluffs, Pottawattamie County, Iowa, said easement being more particularly described as follows:

Commencing at the Northwest Corner of Lot 2 in Block 9 of said Bayliss First Addition; thence S10°57'28"W along the West line of said Lot 2 and along the West line of Lot 3 of said Block 9 a distance of 68.53 feet to the Point of Beginning; thence continuing S10°57'28"W along said West line a distance of 14.20 feet; thence N79°02'32"W a distance of 3.85 feet; thence N10°57'28"E a distance of 14.20 feet; thence S79°02'32"E a distance of 3.85 feet to the Point of Beginning. Said easement contains 54.67 square feet, more or less.

Note: The West line of Lot 2 in Block 9 of said Bayliss First Addition is assumed to bear S10°57'28"W for this description.

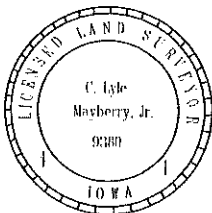
TRACT 2

Permanent Easement Description:

An easement over Main Street right-of-way located in part of Bayliss First Addition in the City of Council Bluffs, Pottawattamie County, Iowa, said easement being more particularly described as follows:

Commencing at the Northeast Corner of Lot 3 in Block 9 of said Bayliss First Addition and the Point of Beginning; thence S10°57'28"W along the East line of said Lot 3 a distance of 46.30 feet; thence S79°02'32"E a distance of 4.00 feet; thence N10°57'28"E a distance of 46.30 feet; thence N79°02'32"W a distance of 4.00 feet to the Point of Beginning. Said easement contains 185.20 square feet, more or less.

Note: The East line of Lot 3 in Block 9 of said Bayliss First Addition is assumed to bear S10°57'28"W for this description.



I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

*C. Lyle Mayberry, Jr.* January 24, 2008  
C. Lyle Mayberry, Jr. Date

License Number 9380

My license renewal date is December 31, 2009

Date of field survey: January, 2008

Sheets covered by this seal: Sheet 1 of 2 and Sheet 2 of 2.

# PROOF OF PUBLICATION

STATE OF IOWA  
POTTAWATTAMIE COUNTY

I, Amy McKay, on my oath do solemnly swear that I am the Controller of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper for 1 consecutive time(s) as follows:

The first publication thereof

began on the 21st day of January, 2008

Signed in my presence by the said Amy McKay and by her sworn to before me this 21st day of January, A.D. 2008.

**NOTICE OF PUBLIC HEARING  
ON INTENT TO VACATE AND  
CONVEY CITY PROPERTY**  
**TO WHOM IT MAY CONCERN:**  
You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request to grant an easement and convey certain property interest located within the Pearl Street right-of-way and the South Main Street right-of-way adjacent to property legally described as Lot 3, Block 9, Bayliss 1st Addition. The location is adjacent to 109 Pearl Street, Council Bluffs, Iowa.  
You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 28th day of January, 2008 in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.  
Judith H. Ridgeley, City Clerk  
2008 (1) 21 - 1 Monday

Amy McKay  
Daily Nonpareil Controller

Tiffany N. Schmitt  
Notary Public



Filed this 21st day of January, A.D. 2008.  
Publication Cost: \$ 11.54

SE

Customer Number: 35700  
Order Number: 20173648

## Council Communication

Department: Legal	Ordinance No. Resolution No. <u>08-42</u>	Date: <u>0211/2008</u>
Case/Project No.		
Applicant.		
<b>SUBJECT/TITLE</b>		
Resolution acknowledging the assignment of Development Agreements by the Council Bluffs Industrial Foundation to Tetra LLC.		
<b>BACKGROUND</b>		
On March 15, 2007 and on May 7, 2007, the City did enter Development Agreements with the Council Bluffs Industrial Foundation for the purpose of assisting a development project. Both agreements provided for their assignment. The City has recently received notice of these assignments and has been asked to acknowledge same via resolution.		
<b>Recommendation</b>		
I recommend the adoption of the following resolution		

Richard Wade

\_\_\_\_\_  
Department Head Signature

  
\_\_\_\_\_  
Mayor Signature

61



RESOLUTION NO. R 08-42

A RESOLUTION acknowledging the assignment of development agreements by the Council Bluffs Industrial Foundation to Tetra, LLC.

WHEREAS, the Council Bluffs Industrial Foundation, Inc., has provided notice to the City of the assignment of Development Agreements to Tetra, LLC, a Delaware limited liability company; and

WHEREAS, the City hereby acknowledges the assignment of these agreements.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA:

That the assignment of development agreements by the Council Bluffs Industrial Foundation to Tetra, LLC, is hereby acknowledged by the City of Council Bluffs.

ADOPTED

AND

APPROVED February 11, 2008

\_\_\_\_\_  
THOMAS P. HANAFAN

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
JUDITH RIDGELEY

\_\_\_\_\_  
City Clerk

January 23, 2008

Thomas P. Hanafan, Mayor  
City of Council Bluffs  
209 Pearl Street  
Council Bluffs, Iowa 51503

**NOTICE OF ASSIGNMENT OF DEVELOPMENT AGREEMENT  
(SANITARY SEWER SERVICE)**

Dear Mayor Hanafan:

Notice is hereby given to the City of Council Bluffs, Iowa ("City") by Council Bluffs Industrial Foundation, Inc., an Iowa non-profit corporation ("CBIF") that the Development Agreement with the City dated the 15th day of March, 2007 ("Development Agreement") has been assigned by CBIF to and assumed by Tetra, LLC, a Delaware limited liability company ("Tetra").

Attached to this Notice is a true and correct copy of the Assignment and Assumption Agreement between CBIF and Tetra demonstrating that Tetra, as assignee, has assumed all of CBIF's obligations under the Development Agreement. Notice is further given that from and after the date of the Assignment and Assumption Agreement, the address for giving notice to CBIF under the Development Agreement shall be deleted and the following inserted in lieu thereof:

Tetra, LLC  
c/o Corporation Service Company  
2711 Centerville Road, Suite 300, PMB 811  
Wilmington, Delaware 19808

Tetra is a Qualified Business as defined in the Development Agreement and, therefore, no consent by the City is required regarding the assignment to Tetra; however, CBIF respectfully requests that this Notice be placed on the City Council agenda at its next regular meeting and that the Notice be received and filed and made a part of the City records for future reference.

Thank you.

Very truly yours,

**COUNCIL BLUFFS INDUSTRIAL FOUNDATION, INC.**  
an Iowa non-profit corporation

By: \_\_\_\_\_

Title: SECRETARY

JANUARY 23, 2008

Thomas P. Hanafan, Mayor  
City of Council Bluffs  
209 Pearl Street  
Council Bluffs, Iowa 51503

**NOTICE OF ASSIGNMENT OF AGREEMENT FOR PRIVATE REDEVELOPMENT**

Dear Mayor Hanafan:

Notice is hereby given to the City of Council Bluffs, Iowa ("City") by Council Bluffs Industrial Foundation, Inc., an Iowa non-profit corporation ("CBIF") that the Agreement for Private Redevelopment With the City dated the 7th day of May, 2007 ("Development Agreement") has been assigned by CBIF to and assumed by Tetra, LLC, a Delaware limited liability company ("Tetra").

Attached to this Notice is a true and correct copy of the Assignment and Assumption Agreement between CBIF and Tetra demonstrating that Tetra, as assignee, has assumed all of CBIF's obligations under the Development Agreement. Notice is further given that from and after the date of the Assignment and Assumption Agreement, the address for giving notice to CBIF under the Development Agreement shall be deleted and the following inserted in lieu thereof:

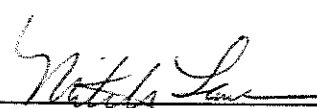
Tetra, LLC  
c/o Corporation Service Company  
2711 Centerville Road, Suite 300, PMB 811  
Wilmington, Delaware 19808

Pursuant to the terms of the Development Agreement, Tetra is a Qualified Business as defined in the Development Agreement and, therefore, no consent by the City is required regarding the assignment to Tetra; however, CBIF respectfully requests that this Notice be placed on the City Council agenda at its next regular meeting and that the Notice be received and filed and made a part of the City records for future reference.

Thank you.

Very truly yours,

**COUNCIL BLUFFS INDUSTRIAL FOUNDATION, INC.**  
an Iowa non-profit corporation

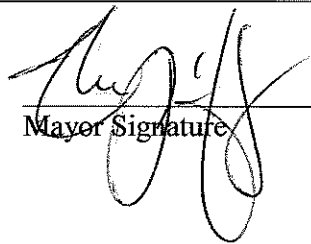
By:   
Title: SECRETARY

## Council Communication

Department: Legal	Ordinance No. Resolution No. <u>08-43</u>	Date: <u>0211/2008</u>
Case/Project No.		
Applicant.		
<b>Subject/Title</b>		
Resolution establishing the effective date of Ordinance #5927.		
<b>BACKGROUND</b>		
<p>On April 23, 2007, the City Council approved the rezoning of a parcel of land that lies north of Highway 92, west of Indian Creek and east of South 24<sup>th</sup> Street (approximately 130 acres). This property was rezoned from an agricultural use to an industrial use. The effective date was established as the date the property is sold to the proposed developer. This sale was closed on January 25, 2008. The City has been asked to document the true effective date of the ordinance. The following resolution has been prepared to reflect that date.</p>		
<b>Recommendation</b>		
I recommend the adoption of the following resolution.		

Richard Wade

\_\_\_\_\_  
Department Head Signature

  
\_\_\_\_\_  
Mayor Signature

65

---

PREPARED BY: City Legal Department, 209 Pearl Street, Council Bluffs, IA 51503  
RETURN TO: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

---

RESOLUTION NO. 08-43

A RESOLUTION ESTABLISHING THE EFFECTIVE DATE OF ORDINANCE NUMBER 5927.

WHEREAS, on April 23, 2007, the Council Bluffs City Council passed into law Ordinance Number 5927; the effective date of which was established as the date upon which the property is transferred; and

WHEREAS, this property was transferred to Tetra, LLC, an assignee of the Council Bluffs Industrial Foundation, on January 25, 2008.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA

That the effective date of Ordinance Number 5927 is January 25, 2008,

AND BE IT FURTHER RESOLVED

That a copy of this resolution be affixed to Ordinance Number 5927.

ADOPTED  
AND  
APPROVED February 28, 2008

\_\_\_\_\_  
Thomas P. Hanafan, Mayor

ATTEST: \_\_\_\_\_  
Judith Ridgeley, City Clerk

C.A. 2/11/08



## Council Communication

<b>Department:</b> Community Development <b>Applicant:</b> John and Margaret LaBounty 109 Pearl Street, Council Bluffs, IA 51503 Case #ENC-08-001	Resolution of Intent No. _____  Resolution No. <u>2008-44</u>	Council Action: <u>02/11/2008</u>
<b>Subject/Title</b>		
Request to encroach into the public right-of-way located adjacent to 109 Pearl Street to allow reconstruction of the primary building entrance and to construct an ADA compliant access ramp.		
<b>Background</b>		
<p>The applicant purchased the property at 109 Pearl Street for residential and commercial use. In order to accommodate commercial use on the first floor the structure must be handicap accessible. Because the structure extends from lot line to lot line there is no additional lot area to construct an ADA compliant ramp. The building levels do not correspond to the sidewalk grade making the first floor level higher than the sidewalk elevation.</p> <p>A policy is currently under review to address intrusions into the public way, which result in improved access to existing buildings when public pedestrian circulation can be preserved.</p> <p>The owners intend to renovate the structure to resemble its original appearance as the Nonpareil building. A copy of an early photograph is attached. The applicant proposes to replace the original entry stairs thereby addressing the grade difference on the Pearl Street side and to install an ADA compliant ramp on the South Main Street side.</p>		
<b>Discussion</b>		
<ol style="list-style-type: none"> <li>1. The proposed entry on Pearl Street appears to meet the guidelines of the pending policy and appears to be sympathetic to the original building design and the materials currently in use.</li> <li>2. The proposed ADA ramp does not appear to relate to the building materials of the current building. The ramp is modular in construction and does not include masonry products. The ramp is bolted together and fixed to the existing sidewalk, presenting a temporary appearance. A mesh material will be attached underneath the ramp to act as screening. The ramp does not aesthetically relate to the building.</li> <li>3. The applicant has not demonstrated other alternatives to relieve the need to encroach into the South Main Street right-of-way. Other alternatives may be to install a lift to reach the first floor level, which may require the use of less City right-of-way. It may be possible to internalize the access ramp into the building removing the need for a public encroachment.</li> <li>4. If an easement is granted, it will be for a permanent encroachment. Any improvement allowed should be made of materials complementary to the structure and be of lasting quality.</li> <li>5. The applicant stated that the ramp will be powder coated in a black or very dark grey color. The ramp deck will not be painted. The applicant has indicated that the tubular railing is a good match for railings used during the original time period of construction.</li> <li>6. The applicant states that the ramp system they propose will be flexible for sidewalk heaving related to frost. They also indicate that a local fabricator quoted approximately \$22,000 to build a metal ramp.</li> <li>7. Water Works has indicated that water service to the building is on Main Street. The stop box is located 8 feet east of the east wall of the building. Any adjustments or the stop box or service line must be done by the property owner.</li> </ol>		

6K

### **Recommendation**

The Community Development Department recommends:

- 1) Granting a permanent easement to allow the reconstruction of the entry on the Pearl Street side as depicted in Attachment 'A', subject to submission of a plat of survey exhibit; and
- 2) Denial of the requested easement on the South Main Street side to allow a ramp constructed of materials as shown in Attachment 'B'.
- 3) Payment in an amount as determined by the City Council for the granted easement.

### **Public Hearing**

John LaBounty, 109 Pearl Street appeared before the Planning Commission in favor of the request. No one appeared in opposition.

### **Planning Commission to City Council**

The Planning Commission recommends:

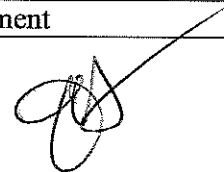
1. Granting a permanent easement on the Pearl Street side as depicted in Attachment 'A', subject to submission of a plat of survey exhibit.
2. Granting a permanent easement on the South Main Street side with authority to City staff to approve the final design and material, which shall compliment the historic nature and architecture of the building as shown in Attachment 'B'.
3. Payment in an amount as determined by the City Council for the easements.

VOTE: Aye 8    Nay 0    Abstain 0    Absent 2    Vacant 1    Motion Carried.

### **Attachments**

Attachment A: Proposed encroachment design as submitted by the applicant;  
Attachment B: Ramp type and screening mesh examples as provided by the applicant;  
Attachment C: Historic photograph

Prepared by: Rose Brown, Urban Planner, Community Development Department



Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503 - Phone: 328-4616

Prepared by: Community Development Dept., Council Bluffs, IA 51503 - Phone: 328-4629

---

RESOLUTION NO. 2008-44

A RESOLUTION ESTABLISHING THE MONETARY COMPENSATION FOR GRANTING AN EASEMENT AND CONVEYING CERTAIN PROPERTY RIGHTS IN THE PEARL STREET RIGHT-OF-WAY ADJACENT TO LOT 3, BLOCK 9, BAYLISS 1<sup>ST</sup> ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA, AS APPROVED BY RESOLUTION NUMBER 2008-20 ON JANUARY 28, 2008.

WHEREAS, on January 28, 2008, this City Council approved Resolution Number 2008-20; and

WHEREAS, this resolution approved granting an easement on City right-of-way; and

WHEREAS, consideration for this easement was not established at the time the Resolution 2008-20 was approved and the sole purpose of this resolution shall be to establish the cost for this easement.

NOW, THEREFORE, BE IT RESOLVED

BY THE CITY COUNCIL

OF THE

CITY OF COUNCIL BLUFFS, IOWA:

Compensation for granting the easement, as described in Resolution 2008-20 shall be set at \$ \_\_\_\_\_; and

BE IT FURTHER RESOLVED

That all of the terms and conditions in Resolution 2008-20 shall be in full force and effect.

ADOPTED

AND

APPROVED: February 11, 2008

\_\_\_\_\_  
Thomas P. Hanafan, Mayor

ATTEST:

\_\_\_\_\_  
Judith H. Ridgeley, City Clerk

STATE OF IOWA    )  
COUNTY OF        ) ss  
POTTAWATTAMIE)

On this \_\_\_\_ day of \_\_\_\_\_, before me the undersigned, a Notary Public in and for said County and said State, personally appeared Thomas P. Hanafan and Judith H. Ridgeley, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of the said City of Council Bluffs, Iowa, a Municipal Corporation, that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Thomas P. Hanafan and said Judith H. Ridgeley, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

\_\_\_\_\_  
Notary Public in and for said State

Planning Case #ENC-08-001

## Council Communication

Department: Health	Ordinance No. _____																
Case/Project No.	Resolution No. <u>08-45</u>	Date: <u>February 11, 2008</u>															
Applicant.- Donn Dierks																	
<b>Subject/Title</b>																	
Council consideration of a resolution awarding the City's 2008 Solid Waste Collection Contract to Red River Waste Solutions, Dripping Springs, TX.																	
<b>Background/Discussion</b>																	
<p>Four solid waste management companies bid on the 2008 Solid Waste Collection Contract for the City of Council Bluffs. This new contract will become effective July 1, 2008, and run through June 30, 2013. I have enclosed two spreadsheets that depict the actual bids, the first without curbside recycling, the second including curbside recycling.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 15%;">Bids:</td> <td style="width: 40%;">Without Curbside Recycling (Annual Cost)</td> <td style="width: 45%;">With Curbside Recycling</td> </tr> <tr> <td>Deffenbaugh Industries</td> <td style="text-align: right;">\$2,726,305</td> <td style="text-align: right;">\$3,545,305</td> </tr> <tr> <td>Red River Waste Solutions</td> <td style="text-align: right;">\$1,918,280</td> <td style="text-align: right;">\$2,248,064</td> </tr> <tr> <td>Waste Connections, Inc.</td> <td style="text-align: right;">\$2,293,200</td> <td style="text-align: right;">No Bid</td> </tr> <tr> <td>Waste Management</td> <td style="text-align: right;">\$2,656,887</td> <td style="text-align: right;">\$3,338,295</td> </tr> </table> <p>The State of Iowa is strongly suggesting that all communities incorporate a curbside recycling program. I fully expect the State of Iowa to make curbside recycling a mandatory solid waste management strategy in the near future.</p> <p>The Solid Waste Task Force has met to discuss bids along with the different programming options. Since Red River Waste Solutions is the lowest bid and appears to be the best as well, the Solid Waste Task Force recommends to the City Council that the 2008 Solid Waste Collection Contract with the curbside recycling option be awarded to Red River Waste Solutions, Dripping Springs, TX. The Council Bluffs Board of Health also recommends Red River Waste Solutions to the City Council.</p>			Bids:	Without Curbside Recycling (Annual Cost)	With Curbside Recycling	Deffenbaugh Industries	\$2,726,305	\$3,545,305	Red River Waste Solutions	\$1,918,280	\$2,248,064	Waste Connections, Inc.	\$2,293,200	No Bid	Waste Management	\$2,656,887	\$3,338,295
Bids:	Without Curbside Recycling (Annual Cost)	With Curbside Recycling															
Deffenbaugh Industries	\$2,726,305	\$3,545,305															
Red River Waste Solutions	\$1,918,280	\$2,248,064															
Waste Connections, Inc.	\$2,293,200	No Bid															
Waste Management	\$2,656,887	\$3,338,295															
<b>Recommendation</b>																	
I would recommend that the City Council adopt the resolution.																	

Donn Dierks

Department Head

\_\_\_\_\_  
Mayor Signature

6 L



**RESOLUTION NO. 08-45**

**RESOLUTION DIRECTING THE MAYOR AND CITY CLERK TO AWARD THE CITY'S  
SOLID WASTE COLLECTION CONTRACT TO RED RIVER WASTE SOLUTIONS**

- WHEREAS, the City received at least three bids for its solid waste collection contract; and
- WHEREAS, the contract requires the bid to be awarded on the basis of the lowest and best price and to a bidder with the financial responsibility and capability to provide adequate service; and
- WHEREAS, after study and consideration, it is the determination of this City Council that it would be in the best interest of the City of Council Bluffs, Iowa, to award the Solid Waste Collection Contract to Red River Waste Solutions; and
- WHEREAS, this new contract shall include curbside recycling; and
- WHEREAS, this contract shall commence on July 1, 2008 and run through June 30, 2013.

NOW, THEREFORE, BE RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the City's Solid Waste Collection Contract be awarded to Red River Waste Solutions

ADOPTED  
AND  
APPROVED February 11, 2008

\_\_\_\_\_  
Thomas P. Hanafan, Mayor

ATTEST:

\_\_\_\_\_  
Judith Ridgely, City Clerk

2008 Solid Waste Collection Contract Bids - City of Council Bluffs - (No Curbside Recycling Included)

Bidder	Residential Collection Fee (Cost/hh/month)	Haul Fee (Cost/tonmile)	Bulky Waste Collection Fee (Cost/hh/month)	Yard Waste Collection Fee (Cost/hh/month)	Haul Fee (Cost/tonmile)	Total Cost Per Year
Current Contract (03-08)						
Deffenbaugh Industries Shawnee, KS	\$ 3.90	\$ 0.20	\$ 0.27	\$ 2.91	\$ 0.20	
	\$ 851,760.00	\$ 82,913.40	\$ 58,968.00	\$ 423,696.00	\$ 11,014.36	\$ 1,428,351.76
8 months						
Deffenbaugh Industries Shawnee, KS	\$ 8.34	\$ 0.22	\$ 0.31	\$ 5.04	\$ 0.22	
	\$ 1,821,456.00	\$ 91,204.74	\$ 67,704.00	\$ 733,824.00	\$ 12,115.80	\$ 2,726,304.54
Red River Service Corporation Dripping Springs, TX	\$ 6.36	N/C	\$ 0.31	\$ 3.17	N/C	\$ 6.04
	\$ 1,389,024.00	\$ 67,704.00	\$ 461,552.00			\$ 1,918,280.00
Waste Connections, Inc. Omaha, NE	\$ 10.50	N/C	N/C	N/C	N/C	\$ 2.28
	\$ 2,293,200.00					\$ 2,293,200.00
Waste Management Omaha, NE	\$ 9.05	\$ 0.35	\$ 0.27	\$ 3.12	\$ 0.40	\$ 4.02
	\$ 1,976,520.00	\$ 145,098.45	\$ 58,968.00	\$ 454,272.00	\$ 22,028.72	\$ 2,656,887.17
						\$ 5.71

Addendum A - Curbside Recycling Only - 2008 Solid Waste Collection Contract -  
City of Council Bluffs

Bidder	Curbside Recycling Fee Cost/hh/month		Total Cost
Deffenbaugh Industries Shawnee, KS	\$	3.75	
	\$	819,000.00	\$ 819,000.00
Red River Service Corporation Dripping Springs, TX	\$	1.73	3.81
	\$	377,832.00	\$ 377,832.00
Waste Connections, Inc. Omaha, NE		No Bid	1.76
	\$	-	\$ -
Waste Management Omaha, NE	\$	3.62	
	\$	790,608.00	\$ 790,608.00
			\$ 3.68

Bidder	Residential Collection Fee (Cost/hh/month)	Haul Fee (Cost/tonmile)	Bulky Waste Collection Fee (Cost/hh/month)	Yard Waste Collection Fee (Cost/hh/month)	Haul Fee (Cost/tonmile)	Curbside Recycling Fee (Cost/hh/month)	Total Cost Per Year
8 months							
Deffenbaugh Industries Shawnee, KS	8.34	0.22	0.31	5.04	0.22	3.75	
	\$ 1,821,456.00	\$ 91,204.74	\$ 67,704.00	\$ 733,824.00	\$ 12,115.80	\$ 819,000.00	\$ 3,545,304.54
							\$ 9.85
Red River Service Corporation Dripping Springs, TX	6.12	N/C	0.31	3.2	N/C	1.73	
	\$ 1,336,608.00	\$ -	\$ 67,704.00	\$ 465,920.00	\$ -	\$ 377,832.00	\$ 2,248,064.00
							\$ 3.81
Waste Connections, Inc. Omaha, NE	No Bid						
Waste Management Omaha, NE	8.55	0.35	0.27	3.12	0.4	3.62	
	\$ 1,867,320.00	\$ 145,098.45	\$ 58,968.00	\$ 454,272.00	\$ 22,028.72	\$ 790,608.00	\$ 3,338,295.17
							\$ 8.88

Addendum C - Drop-off Recycling Containers

Bidder	Drop-off Recycling Containers		Total Cost
	Cost/Pull		
Deffenbaugh Industries Shawnee, KS	\$ 87.00		
	\$ 87,000.00	\$	87,000.00
Red River Service Corporation Dripping Springs, TX	\$ 150.00	\$	0.40
	\$ 150,000.00	\$	150,000.00
Waste Connections, Inc. Omaha, NE	\$ 60.00	\$	0.70
	\$ 60,000.00	\$	60,000.00
Waste Management Omaha, NE	\$ 158.00	\$	0.28
	\$ 158,000.00	\$	158,000.00
		\$	0.73

Addendum D - Contract Utilizing Used Equipment

Bidder	Residential	Haul	Bulky Waste	Yard Waste	Haul	Curbside
	Collection Fee (Cost/hh/month)	Fee (Cost/tonmile)	Collection Fee (Cost/hh/month)	Collection Fee (Cost/hh/month)	Fee (Cost/tonmile)	Recycling Fee (Cost/hh/month)

8 months

Deffenbaugh Industries  
Shawnee, KS

7.94	0.22	0.31	4.69	0.22	3.75
\$ 1,734,096.00	\$ 91,204.74	\$ 67,704.00	\$ 682,864.00	\$ 12,115.80	\$ 819,000.00
					\$ 3,406,984.54

Total Cost/ Year

Red River Service Corporation  
Dripping Springs, TX

No Bid					
--------	--	--	--	--	--

\$ 9.20

Waste Connections, Inc.  
Omaha, NE

No Bid					
--------	--	--	--	--	--

Waste Management  
Omaha, NE

No Bid					
--------	--	--	--	--	--



Addendum E - Waste Management Utilizing Douglas County Landfill

Waste Management

Omaha, NE

(Includes tipping fees

at Douglas County Landfill

Yd Waste Disposal included)

12.85	0	0	0	0	0	0
\$ 2,806,440.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
						\$ 2,806,440.00

\$ 4.23

Waste Management

Omaha, NE

(Includes tipping fees

at Douglas County Landfill

Yd Waste Disposal included)

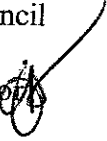
10.7	0	0	0	0	3.62	
\$ 2,336,880.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
						\$ 790,608.00
						\$ 3,127,488.00

\$ 5.69



## INTER-OFFICE MEMO

TO: Members of the City Council

FROM: Thomas P. Hanafan, Mayor 

DATE: February 5, 2008

SUBJECT: Mayor's Proposed FYE 2009 Budget

---

Attached is my FY 2008-09 budget. The only official actions that are required of the Council at this time are to receive and file the budget and to set the date for public hearing on **Monday, February 25, 2008** at 7:00 pm in the City Council Chambers. If the Council so chooses, the public hearing could be delayed until Monday, March 11, 2008. However, a budget must be approved and submitted to the State by March 15<sup>th</sup> and the Finance Department would need sufficient time to make any changes.

Once received and filed, there can be no increase in either the actual budgeted expenditures amount or the property tax levy. As always, both City staff and myself are available at any time to discuss this budget at length with any Councilmember.

# Adoption of Budget and Certification of City Taxes

# 78-732

FISCAL YEAR BEGINNING JULY 1, 2008 - ENDING JUNE 30, 2009

The City of: Council Bluffs

County Name: POTTAWATTAMIE

Date Budget Adopted: \_\_\_\_\_

(Date) m/d/yyyy

At a meeting of the City Council, held after the public hearing as required by law, as specified above, the proposed budget was adopted as summarized and attached hereto, and tax levies, as itemized below, were approved for all taxable property of this City. There is attached a Long Term Debt Schedule Form 703 for the debt service needs, if any.

7123284616

Telephone Number

Signature

County Auditor Date Stamp

## January 1, 2007 Property Valuations

Regular

DEBT SERVICE

Ag Land

	With Gas & Electric	Without Gas & Electric	Last Official Census
2a	2,040,376,367	1,849,690,270	
3a	2,144,165,751	1,953,479,654	
4a	12,540,079		

## TAXES LEVIED

Code Sec.	Dollar Limit	Purpose	(A) Request with Utility Replacement	(B) Property Taxes Levied	(C) Rate
384.1	8.10000	Regular General levy	5 16,527,049	14,982,491	43 8.10000
(384)		Non-Voted Other Permissible Levies			
12(8)	0.67500	Contract for use of Bridge	6	0	44 0
12(10)	0.95000	Opr & Maint publicly owned Transit	7 612,113	554,907	45 0.30000
12(11)	Amt Nec	Rent, Ins. Maint of Civic Center	8	0	46 0
12(12)	0.13500	Opr & Maint of City owned Civic Center	9	0	47 0
12(13)	0.06750	Planning a Sanitary Disposal Project	10	0	48 0
12(14)	0.27000	Aviation Authority (under sec.330A.15)	11 532,334	482,584	49 0.26090
12(15)	Amt Nec	Joint city-county building lease	12	0	50 0
12(16)	0.06750	Levee Impr. fund in special charter city	13	0	51 0
12(18)	Amt Nec	Liability, property & self insurance costs	14 1,826,137	1,655,473	52 0.89500
12(22)	Amt Nec	Support of a Local Emerg.Mgmt.Comm.	462	0	465 0
(384)		Voted Other Permissible Levies			
12(1)	0.13500	Instrumental/Vocal Music Groups	15	0	53 0
12(2)	0.81000	Memorial Building	16	0	54 0
12(3)	0.13500	Symphony Orchestra	17	0	55 0
12(4)	0.27000	Cultural & Scientific Facilities	18	0	56 0
12(5)	As Voted	County Bridge	19	0	57 0
12(6)	1.35000	Missi or Missouri River Bridge Const.	20	0	58 0
12(9)	0.03375	Aid to a Transit Company	21	0	59 0
12(17)	0.20500	Maintain Institution received by gift/devise	22	0	60 0
12(19)	1.00000	City Emergency Medical District	463	0	466 0
12(21)	0.27000	Support Public Library	23	0	61 0
28E.22	1.50000	Unified Law Enforcement	24	0	62 0
Total General Fund Regular Levies (5 thru 24)			25 19,497,633	17,675,455	
384.1	3.00375	Ag Land	26 37,667	37,667	63 3.00375
Total General Fund Tax Levies (25 + 26)			27 19,535,300	17,713,122	Do Not Add
Special Revenue Levies					
384.8	0.27000	Emergency (if general fund at levy limit)	28 550,902	499,416	64 0.27000
384.6	Amt Nec	Police & Fire Retirement	29 2,807,639	2,545,247	1.37604
	Amt Nec	FICA & IPERS (if general fund at levy limit)	30 1,326,245	1,202,299	0.65000
	Amt Nec	Other Employee Benefits	31 5,582,470	5,060,753	2.73600
Total Employee Benefit Levies (29,30,31)			32 9,716,354	8,808,299	65 4.76204
Sub Total Special Revenue Levies (28+32)			33 10,267,256	9,307,715	
Valuation					
385	As Req	With Gas & Elec		Without Gas & Elec	
SSMID 1 (A)		66,815,642 (B)	34 102,000	102,000	66 1.52659
SSMID 2 (A)		(B)	35	0	67 0
SSMID 3 (A)		(B)	36	0	68 0
SSMID 4 (A)		(B)	35a	0	69 0
SSMID 5 (A)		(B)	36a	0	565 0
SSMID 6 (A)		(B)	37	0	566 0
Total SSMID (34 thru 37)			38 102,000	102,000	Do Not Add
Total Special Revenue Levies (33+38)			39 10,369,256	9,409,715	
384.4	Amt Nec	Debt Service Levy 76.10(6)	40 7,504,580	6,837,179	70 3.50000
384.7	0.67500	Capital Projects (Capital Improv. Reserve)	41	0	71 0
Total Property Taxes (27+39+40+41)			42 37,409,136	33,960,016	72 18.08794

COUNTY AUDITOR - I certify the budget is in compliance with ALL the following:

Budgets submitted that DO NOT meet the following criteria are not legal documents and will be returned to the city for correction.

- 1) The prescribed Notice of Public Hearing Budget Estimate (Form 631.1) was lawfully published, or posted if applicable, and notarized, filed proof was evidenced.
- 2) Budget hearing notices were published or posted not less than 10 days, nor more than 20 days, prior to the budget hearing.
- 3) Adopted property taxes do not exceed published or posted amounts.
- 4) Adopted expenditures do not exceed published or posted amounts in each of the nine program areas, or in total.
- 5) The budget file uploaded to the SUBMIT Area matched the paper copy certified by the city to this office.

(County Auditor)

**A RESOLUTION SETTING A PUBLIC HEARING FOR APPROVAL OF THE ANNUAL  
BUDGET FOR FISCAL YEAR ENDING 2009 (7-1-2008 THRU 6-30-2009)**

**RESOLUTION NO. 08-38**

WHEREAS, the City Council must receive and file the annual budget and set public hearing for Monday, February 25, 2008 at 7:00 p.m. in the City Council Chambers; and

WHEREAS, if Council so chooses, the public hearing could be delayed until Monday, March 11, 2008; and

WHEREAS, the budget must be on file in the Office of the City Clerk for public review; and

WHEREAS, the budget must be approved and submitted to the State by March 15, 2008, and the Finance Department will need time to make any changes recommended by Council; and

WHEREAS, once received and filed, there can be no increase in either the actual budgeted expenditures amount or the property tax levy.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS IOWA

That the City Clerk is hereby directed to set a public hearing on the annual budget for fiscal year ending 2009, on \_\_\_\_\_ at 7:00 p.m. and notification to the public thereof.

ADOPTED

AND

APPROVED February 11, 2008

\_\_\_\_\_  
Thomas P. Hanafan

\_\_\_\_\_  
Mayor

ATTEST"

\_\_\_\_\_  
Judith Ridgeley

\_\_\_\_\_  
City Clerk

**Ad Trend**  
12100 West Center Road  
Omaha, NE 68144  
913-485-5000

Members of the Council Bluffs City Council  
c/o City Clerk  
209 Pearl Street  
Council Bluffs, IA 51503

January 16th, 2008

Dear Councilmember's:

I am writing to you as I would like to present the City of Council Bluffs with an opportunity to lease a small space on the perimeter of your Sewer Plant property, parcel # 744409200010, just N/O I-80 and W/O I-29. Our interest in leasing the space would be for an outdoor advertising sign. We would be a zero cost tenant, our proposed sign location is on the far perimeter of your property, and we would not interfere with the operations your business. This is an opportunity for City to generate free cash flow and have a higher and better use of an otherwise \$0 income providing piece of ground.

- Sign dimensions would be 14' (tall) x 48' (wide); height to top of the sign would be 40'
- Proposed annual rental income would be roughly \$10,000 with 20 year term
- New all steel construction and would be meticulously maintained
- All you would do is receive monthly rent payments and we would take care of the rest

Our management team collectively has decades of experience in the outdoor advertising sign business. I am confident that you would be impressed with the quality of our team and hope to earn the opportunity to work with the City of Council Bluffs.

Feel free to contact me anytime at 913-485-5000. I will follow up with you in a couple weeks to discuss more with you.

Respectfully,

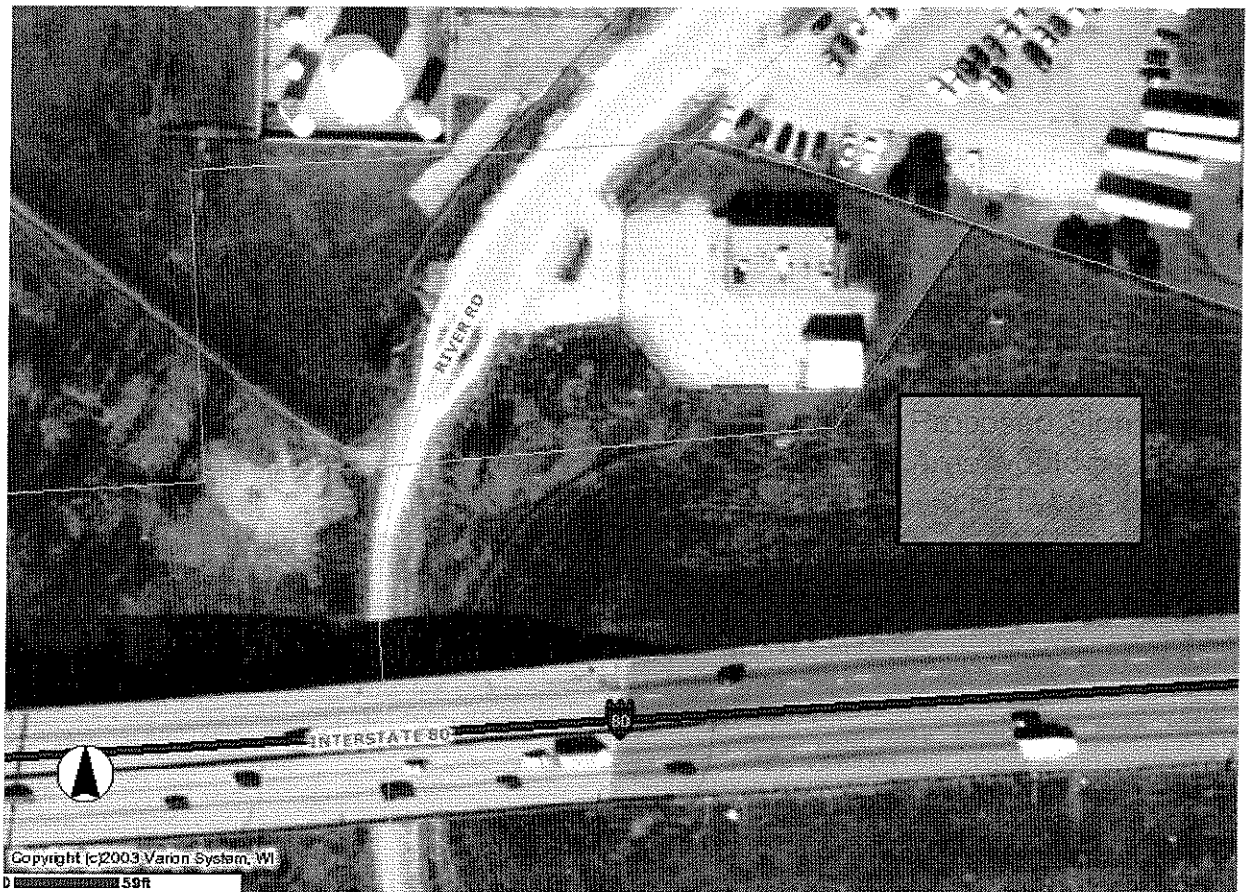
Mike Dahir

*Please see Aerial of Proposed sign location on the next page and sign profiles on final page.*

7 B

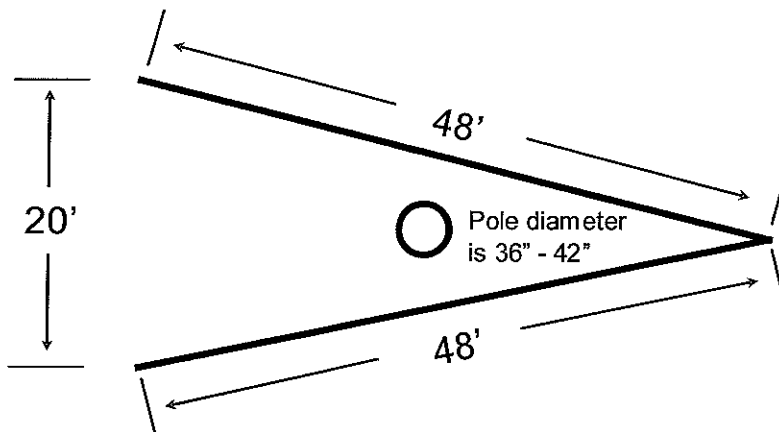
**Ad Trend**  
12100 West Center Road  
Omaha, NE 68144  
913-485-5000

**Aerial of Proposed Sign Location**

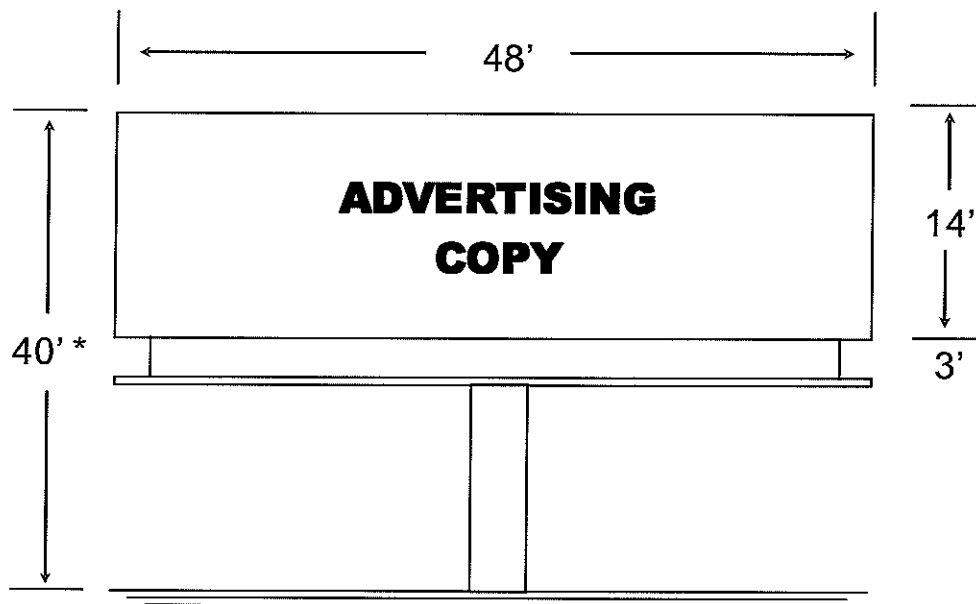


**Ad Trend**  
12100 West Center Road  
Omaha, NE 68144  
913-485-5000

**Birds Eye View**



**Side Profile**



COUNCIL BLUFFS  
CITY CLERK

To: C M K Development LLC., 11711 Arbor Street, Suite 300, Omaha, NE 68144  
2008 FEB -4 A 11: 51

## NOTICE OF EXPIRATION OF RIGHT OF REDEMPTION

In accordance with Iowa Code Section 447.9 you are hereby notified that:

1. The property described in paragraph 2 of this Notice was sold at the public tax sale on the day of June 20, 2005, Tax Certificate Number 05-0423. The purchaser at tax sale was Kenneth Knosp.

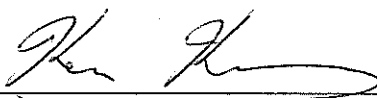
2. The legal description of the property sold is:

PLAZA AT THE MARCC LT 1, Pottawattamie County, Iowa,  
according to the recorded plat thereof.

Pottawattamie County Parcel #000035646000582001000

3. That your right of redemption as set forth in the Iowa Code will expire unless redemption of the property is made within 90 days from the date of completed service of this Notice.

4. If the right of redemption is allowed to expire, a tax deed will be issued by the Treasurer of Pottawattamie County, Iowa.

By:   
Ken Knosp

70

Find Property   Res Sales   Com DOVs

7444 03 327 006

000 035 646 000582 001 000

--- Permanent Property Address ---

----- Mailing Address -----

C M K DEVELOPMENT LLC

C M K DEVELOPMENT LLC

20 ARENA WAY

11711 ARBOR ST SUITE 300

COUNCIL BLUFFS

OMAHA NE 68144

Assr Info: THIS PARCEL CAME FROM 000 035 091 000582 008 000 FOR 2002

District: 000      Urban Renewal: 00011      Tax Sale: 05/0423      Current Gross Tax: 56009.86

BILLING SUMMARY									
more	Taxable				First		Second		
Year Dist	Value	Tax Due	Charges	Payment	Posted	Payment	Posted	Balance	
2004 000	1300000.00	55282.00	830.00	27641.00	10/17/2005	27641.00	04/17/2006	0.00	
2005 000	1288962.00	55288.00	830.00	27644.00	10/16/2006	27644.00	04/16/2007	0.00	
2006 000	1300000.00	56010.00	420.00	28005.00	10/16/2007	0.00		28005.00	

PLAZA AT THE MARCC LT 1

ASSESSED VALUE				
land: \$350000	dwelling: \$0	building: \$950000	total: \$1300000	year/class: 2004/C 1
land: \$350000	dwelling: \$0	building: \$950000	total: \$1300000	year/class: 2005/C 1
land: \$350000	dwelling: \$0	building: \$950000	total: \$1300000	year/class: 2006/C 1
land: \$350000	dwelling: \$0	building: \$950000	total: \$1300000	year/class: 2007/C 1

## OWNERS

1 D C M K DEVELOPMENT LLC      book/page: 102/80144 D      H/S eligible:

## EXEMPTIONS &amp; CREDITS

## ASSESSMENT DATA

PDF: 08    MAP: 19-8    PLAT:    RES BLDGS: 0    COM BLDGS: 1    AG BLDGS: 0    YARD EXTRAS: 1

Sale Date	Amount	Code	Book/Page
03/25/2002	725200	D034	102/80144

Entry: Inspected      Date Inspected: 10/31/2005      List/Review: PR/PR

LAND.....44213 sqFt      1.01 acres

Commercial Building 1 of 1 -- Shopping Center - Neighborhood (205)

DBA: Plaza at the MARCC

STRUCTURE....1 story    35893 base SF    0 bsmt SF    35893 gross SF  
Year Built: 2003    Eff Year: 2003    Condition: NML

VERTICALS...Foundation: Reinforced Concrete

Ext Wall: EIFS

Brick Veneer

Front/Doors: High Cost Front

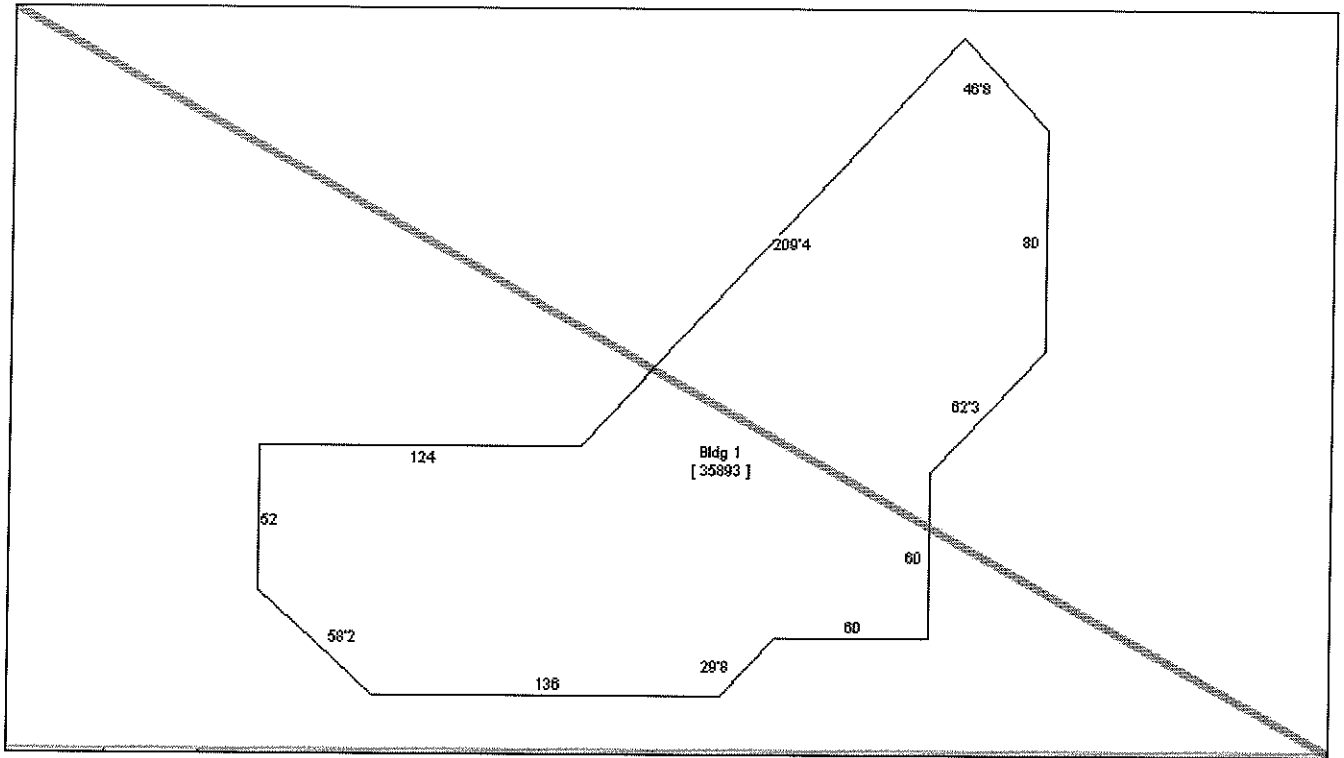
HORIZONTALS..Roof: Rubber Membrane/Steel

Struc Floor: Earth

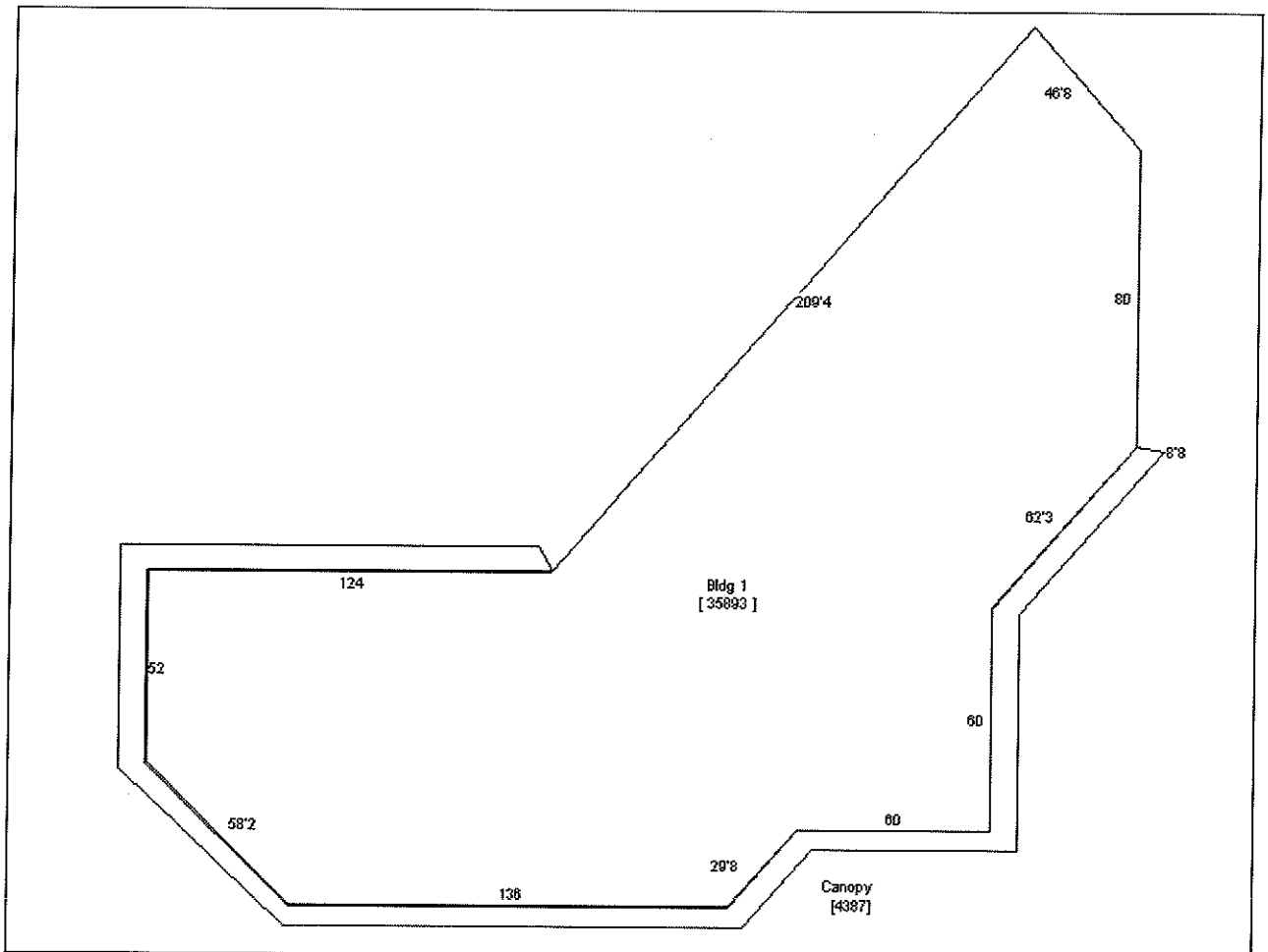
Framing: Steel - Average

YARD EXTRAS..Canopy 4,387 SF Frame, High Pricing

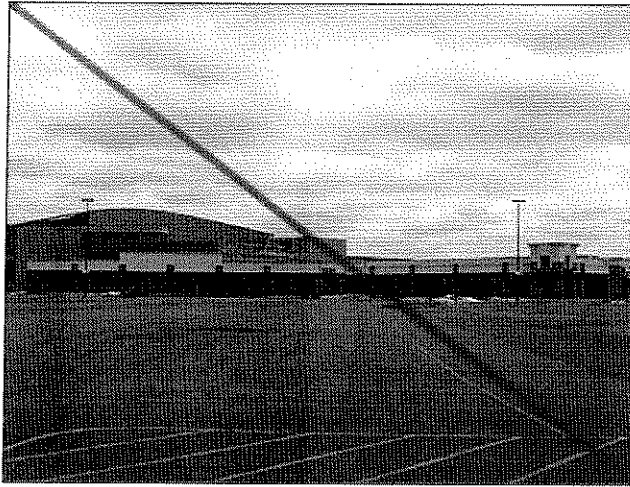




000035646000582001000a 01/06/2003



000035646000582001000a 12/19/2003



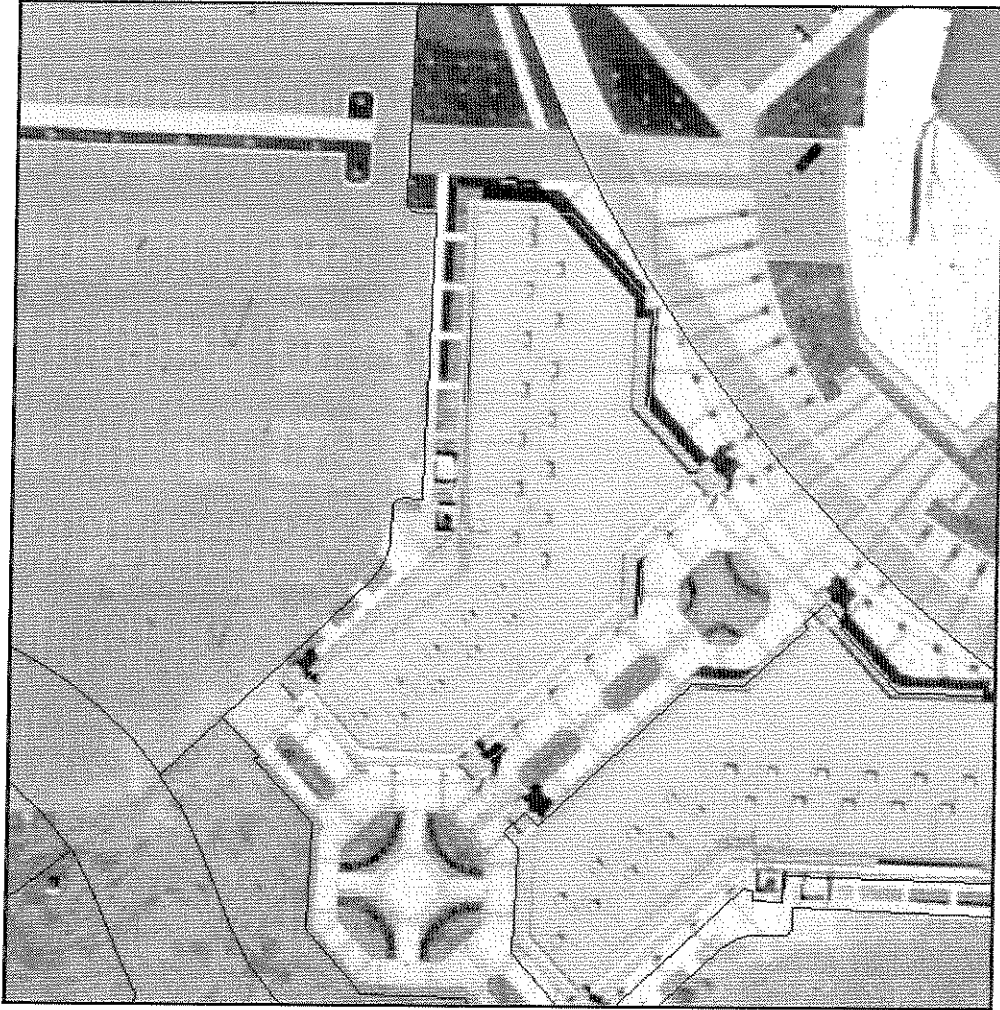
20 ARENA WAY, C M K DEVELOPMENT LLC, 000035646000582001000a 12/29/2003



20 ARENA WAY, C M K DEVELOPMENT LLC, 000035646000582001000a 12/17/2004

[Zoom Out](#)

[Zoom In](#)



600ft x 600ft

Click any parcel to go to its web page  
See more [maps](#) from the [County GIS Map Department](#)

As of: On Web



Get Card

[Find Property](#) [Res Sales](#) [Com DOVs](#)

RETURN TO: CITY OF COUNCIL BLUFFS, IOWA  
ATTN: CITY LEGAL DEPARTMENT  
OR CITY CLERK  
209 PEARL STREET  
COUNCIL BLUFFS, IA 51503

CITY CLAIM NO. \_\_\_\_\_

## NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Thomas G. Campbell Jr DAY PHONE: 402 2123372  
ADDRESS: 1801 Tipton Dr DOB: 1 Sep 57 SS# \_\_\_\_\_

DATE & TIME OF LOSS/ACCIDENT: 17 Jan 08 Time unknown

LOCATION OF LOSS/ACCIDENT: Driveway

DESCRIPTION OF LOSS/ACCIDENT: Chunk of cement taken out of driveway by snowplow.

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ \_\_\_\_\_

WITNESS(ES) (Name(s), Address(es), Phone No(s).) \_\_\_\_\_

WAS POLICE REPORT FILED \_\_\_\_\_ YES ☒ NO

IF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND FACILITY: \_\_\_\_\_

HAVE YOU RESUMED NORMAL ACTIVITIES? \_\_\_\_\_ YES \_\_\_\_\_ NO

IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF PHOTOGRAPHS, ESTIMATES, INVOICES, AND ANY OTHER RELEVANT INFORMATION: \_\_\_\_\_

LIST INSURANCE PROVIDER AND COVERAGE: \_\_\_\_\_

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IN SUPPORT OF MY CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NOTE: IT IS A FRAUDULENT PRACTICE PUNISHABLE BY FINE OR IMPRISONMENT TO KNOWINGLY MAKE A FALSE CLAIM (SECTION 714.8(3), CODE OF IOWA)

19 JAN 08  
DATE

Thomas G. Campbell Jr  
CLAIMANT'S SIGNATURE

7D

RETURN TO: CITY OF COUNCIL BLUFFS, IOWA  
ATTN: CITY LEGAL DEPARTMENT  
OR CITY CLERK  
209 PEARL STREET  
COUNCIL BLUFFS, IA 51503

CITY CLAIM NO. \_\_\_\_\_

### NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: D. William Giroux DAY PHONE: 712-366-0931  
ADDRESS: # 3 Lakewood Villa St DOB: 9/8/27 SS#: ██████

DATE & TIME OF LOSS/ACCIDENT: Tuesday 1/22/08 - approx 9:45 AM  
LOCATION OF LOSS/ACCIDENT: # 3 Lakewood Villa, Council Bluffs, IA 51501  
DESCRIPTION OF LOSS/ACCIDENT: 10 wheeler dump truck (white) with 10 ft  
plow blade knocked mail box & base by knocking off  
4x4 post with snow plow blade.

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ Estimated \$400 for material & labor

WITNESS(ES) (Name(s), Address(es), Phone No(s)): my wife cleared snow from around mail box  
approx 10 minutes before we both heard the sound of a  
large truck on our street and we both looked out and saw downed  
mail box while the dump truck was only about  
15 ft from downed mail box.

WAS POLICE REPORT FILED ☐ YES ☒ NO

IF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND FACILITY:

HAVE YOU RESUMED NORMAL ACTIVITIES? ☒ YES ☐ NO

IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF PHOTOGRAPHS, ESTIMATES, INVOICES, AND ANY

OTHER RELEVANT INFORMATION: Picture taken from by Street Dept Supervisor.  
I made a emergency repair with temporary board boards because  
ground was frozen and I decided to replace post after snow  
thaw in the spring.

LIST INSURANCE PROVIDER AND COVERAGE: State Farm - Home owners  
agent Ray Prichard

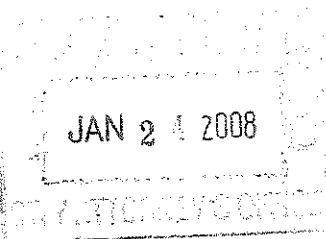
I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IN SUPPORT OF MY CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NOTE: IT IS A FRAUDULENT PRACTICE PUNISHABLE BY FINE OR IMPRISONMENT TO KNOWINGLY MAKE A FALSE CLAIM (SECTION 714.8(3), CODE OF IOWA)

12/31/08  
DATE

CLAIMANT'S SIGNATURE

D. William Giroux



COUNCIL BLUFFS  
CITY CLERK  
2008 JAN 24 A 10:59

RETURN TO: CITY OF COUNCIL BLUFFS, IOWA  
ATTN: CITY LEGAL DEPARTMENT  
OR CITY CLERK  
209 PEARL STREET  
COUNCIL BLUFFS, IA 51503

CITY CLAIM NO. \_\_\_\_\_

### NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: DAWN L LANDERS (AUSTIN A LANDERS) H-712-325-1949  
DAY PHONE: C 712-314-3434  
ADDRESS: 2731 MCBRIDE AVE CB IA DOB: 6/6/60 SSN: 322-62-9335

DATE & TIME OF LOSS/ACCIDENT: 1/15/08 20:22  
LOCATION OF LOSS/ACCIDENT: 2400 BLK 5TH AVE COUNCIL BLUFFS IA  
DESCRIPTION OF LOSS/ACCIDENT: WHILE MAKING A RIGHT HAND TURN INTO A DRIVEWAY  
WAS REARENDED BY A POLICE CRUISER

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ SEE ATTACHED PAGE

WITNESS(ES) (Name(s), Address(es), Phone No(s).)

JASON DRIVER	3445 AVE D COUNCIL BLUFFS	323-2203
JOHN ARAGON	2415 5TH AVE COUNCIL BLUFFS	329-0481

WAS POLICE REPORT FILED ☒ YES ☐ NO

IF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND FACILITY:  
JENNY EDMUNDSON HOSPITAL BY ER DOCTOR

933 EAST PIERCE ST COUNCIL BLUFFS IA 51503  
396-6000

HAVE YOU RESUMED NORMAL ACTIVITIES? ☒ YES ☐ NO PHYSICALLY

IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF PHOTOGRAPHS, ESTIMATES, INVOICES, AND ANY  
OTHER RELEVANT INFORMATION: 1994 HONDA ACCORD EX 4DR

LIST INSURANCE PROVIDER AND COVERAGE: \_\_\_\_\_

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IN SUPPORT OF MY  
CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NOTE: IT IS A FRAUDULENT PRACTICE PUNISHABLE BY FINE OR IMPRISONMENT TO KNOWINGLY MAKE A  
FALSE CLAIM (SECTION 714.8(3), CODE OF IOWA)

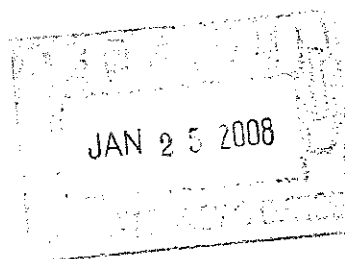
Dawn L Landers  
CLAIMANT'S SIGNATURE

DATE

1-24-08

COUNCIL BLUFFS  
CITY CLERK

2008 JAN 25 A 10:19



JANUARY 25, 2008

DAWN L LANDERS  
2731 MCBRIDE AVE  
COUNCIL BLUFFS IA 51501  
712-325-1949

CLAIM AGAINST CITY OF COUNCIL BLUFFS IN REGARDS TO ACCIDENT  
THAT OCCURRED ON JANUARY 15, 2008

94 HONDA ACCORD EX-\$6500.00  
(INCLUDES \$500.00 OF SERVICE PERFORMED ON CAR IN OCT AND \$500.00  
FOR SUBWOOFER IN TRUNK THAT WERE RUINED DO TO ACCIDENT)

SALES TAX -\$ 300.00  
TOTAL \$6800.00

ANY SETTLEMENT ACCEPTED NOW FOR THE ABOVE PRPOERTY DAMAGE  
DOES NOT RELIEVE THE CITY FROM THE FOLLOWING PORTION OF THE  
CLAIM.

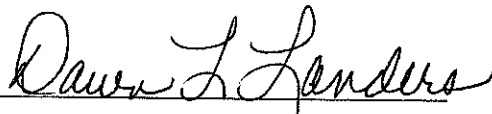
TIME LOST FROM WORK- \$308.00 16 HRS @ \$19.25

PAIN AND SUFFERING- \$5000.00

ALL RENTAL CAR FEES ARE CITIES RESPONSIBILITY AND NOT INCLUDED  
IN THE ABOVE FIGURES.

ALL MEDICAL BILLS INCLUDING HOSPITAL, ER, DOCTORS AND  
RADIOLOGY BILLS ARE CITIES RESPONSIBILTY AND NOT INCLUDED IN  
THE ABOVE FIGURES.

SIGNATURE



DATE

1-24-08

RETURN TO: CITY OF COUNCIL BLUFFS, IOWA  
ATTN: CITY LEGAL DEPARTMENT  
OR CITY CLERK  
209 PEARL STREET  
COUNCIL BLUFFS, IA 51503

CITY CLAIM NO. \_\_\_\_\_

### NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Catherine F. Buckles

DAY PHONE: 323-9122 ext 222

ADDRESS: 1400 Franklin Ave #30 DOB: 10/11/1951

SS# [REDACTED]

DATE & TIME OF LOSS/ACCIDENT: 9/16/07 4:50pm

LOCATION OF LOSS/ACCIDENT: 149 W. Broadway, Council Bluffs, IA

DESCRIPTION OF LOSS/ACCIDENT: walked around my car to put money in the parking meter. There was a patch hole covered with sand. I did not see it until I was on the ground. I fractured my heel & have a torn (USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ 60000.00 - 75000.00 depending on all medical

WITNESS(ES) (Name(s), Address(es), Phone No(s)): yes, but Mohm's place management will not give me his name.

WAS POLICE REPORT FILED ☐ YES ☒ NO

IF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND FACILITY:

Dr. Jennifer Kay, 201 Ridge CBIA 322-5899

Dr. Craig Hansen, One Edmundson Pl. CBIA 396-4020

Dr. Kathleen Grier 7110 Mercy Rd. Ste 204 Omaha, NE 371-9300

HAVE YOU RESUMED NORMAL ACTIVITIES? ☐ YES ☒ NO

IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF PHOTOGRAPHS, ESTIMATES, INVOICES, AND ANY OTHER RELEVANT INFORMATION: \_\_\_\_\_

LIST INSURANCE PROVIDER AND COVERAGE: Mutual of Omaha Health  
ASOF 1/1/08 United Health Care - Health

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IN SUPPORT OF MY CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NOTE: IT IS A FRAUDULENT PRACTICE PUNISHABLE BY FINE OR IMPRISONMENT TO KNOWINGLY MAKE A FALSE CLAIM (SECTION 714.8(3), CODE OF IOWA)

DATE 1/21/08

CLAIMANT'S SIGNATURE Catherine F. Buckles

COUNCIL BLUFFS  
CITY CLERK

2008 JAN 23 A 10:38

JAN 23 2008



## OFFER TO BUY CITY PROPERTY

Council Bluffs, Pottawattamie County, Iowa, January 23, 2008

TO: THE CITY OF COUNCIL BLUFFS, IOWA:

THE UNDERSIGNED (hereby designated as Buyers) hereby offer to buy the real estate situated in Council Bluffs, Pottawattamie County, Iowa, described as follows:

3802 Twin City Dr. - legal: Twin  
Cities Plaza LT 480, City of Council  
Bluffs, Iowa

together with any easements and servient estates appurtenant thereto, but with reservations and exceptions only as follows:

- (a) Title shall be taken subject to applicable zoning restrictions, except as in (1) below:
- (b) And subject to easements of record for public utilities, public roads and public highways; at \_\_\_\_\_ per square foot, for a total sum of \$ \_\_\_\_\_, payable at the office of the City Clerk, City Hall, 209 Pearl Street, Council Bluffs, Iowa 51503, as follows:

by payment of \$ see (8) (down payment is required in the amount of \$25.00 or 10% of the total purchase price, whichever is greater) herewith to be held by the City Clerk of Council Bluffs, Iowa, pending passage of an ordinance authorizing vacation and disposal of the described property and authorizing the Mayor and City Clerk of Council Bluffs, Iowa, to execute the City Deed to the described property; and the balance of \$ see (8) to be paid upon execution and delivery of the City Deed by the Mayor and City Clerk of Council Bluffs, Iowa.

- (1) SPECIAL USE. This offer is void unless Buyers are permitted, under any existing zoning and building restrictions, immediately to make the following conforming use of said real estate:

Construct single family residential  
Home per Infil Program requirements.

- (2) TAXES. All subsequent taxes shall be paid by Buyers.
- (3) SPECIAL ASSESSMENTS. All subsequent special assessments shall be paid by Buyers.
- (4) INSURANCE. Buyers, if they desire, may obtain insurance to cover risk of loss from hazards.
- (5) POSSESSION. Buyers are entitled to possession of the described property upon payment of the balance due and receipt of the City Deed.
- (6) REJECTED OFFER. If this offer is rejected by the City Council of the City of Council Bluffs, Pottawattamie County, Iowa, it shall become null and void and all payments shall be repaid to the Buyers.
- (7) DEED. Upon payment of the purchase price, the City shall convey title by City Deed, free and clear of liens and encumbrances, reservations, exceptions or modifications except as in this instrument otherwise expressly provided. All warranties shall extend to time of acceptance of this offer and delivery of deed.

COUNCIL BLUFFS  
CITY CLERK  
2008 JAN 23 P 2:57

7E

(8) OTHER PROVISIONS:

City To Loan CHIC The purchase  
price \$25,000 and forgive it upon  
completion of Infil program objectives.  
construct single family home and  
sell it to a buyer qualified  
under Infil & HUD guidelines  
within 12 months.

Community Housing  
Investment Corporation  
Buyer

Karen S. Anderson  
Karen S. Anderson  
Buyer's Spouse

President  
Title

532 - First Ave, Suite 310  
Address

(712) 328-6602  
Telephone

STATE OF IOWA )  
COUNTY OF ) SS.  
POTTAWATTAMIE )

On this 23rd day of January, 2008, before me, the undersigned, a  
Notary Public in and for the State of Iowa, personally appeared Karen S. Anderson  
to me known to be the identical persons named in and who executed the within and foregoing  
instrument "Offer To Buy City Property" in its entirety and acknowledged that they executed the same  
as their voluntary act and deed.

A. J. Kuiper  
Notary Public in and for said State

